



April 28, 2020

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, April 28, 2020 at 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

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

Watch live meeting coverage on Government Access Channels 2 & 602HD, Listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found online at www.bismarcknd.gov/agendacenter.

Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments for consent agenda, and regular agenda items on the Bismarck City Commission agenda via email to bismarckadmin@bismarcknd.gov.

Please include the agenda item number your comment references. The comments will be sent to the Commissioners, as well as placed with the minutes. To ensure your comments are received prior to the meeting, please submit them by 3:30 p.m. on the day of the meeting and reference the agenda item your comment addresses. For more information visit: <https://bismarcknd.gov/CivicAlerts.aspx?AID=6615>

Future City Commission meetings are scheduled as follows:

- May 12 & 26, 2020
- June 9 & 23, 2020
- July 14 & 28, 2020

MISSION STATEMENT

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

MEETING OF THE BOARD OF CITY COMMISSION

1. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items).
2. Consider the approval of the minutes.

Documents:

[MN041420.pdf](#)
[SM041720.pdf](#)

3. CONSENT AGENDA

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

Documents:

[\(C\) HR Personnel Report.pdf](#)

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

1. Authorize gaming site renewals for the following:

- Elbow Room - 115 S. 5th St.
- O'Brians - 1039 E. Interstate Ave.
- Quality Inn - 1030 E. Interstate Ave.
- Ramkota - 800 S. 3rd St.
- Stadium - 1247 W. Divide Ave.

Documents:

[\(C\) ADMIN - Gaming Site Authorization Renewal.pdf](#)

D. Consider the request for the approval from the Airport for the following:

1. Accept the Airport's insurance consultant selection committee's recommendation of Arthur J. Gallagher & Co.
2. Award bids for parking lot expansion to Strata Corporation and Denny's Electric.
3. Authorize staff to complete the necessary actions to process and accept the CARES ACT Grant.

Documents:

[\(C\) AIR - Insurance Consultant Selection.pdf](#)
[\(C\) AIR - Parking Lot Expansion Bids.pdf](#)
[\(C\) AIR - CARES ACT Grant.pdf](#)

E. Consider the request for the approval from the Attorney for the following:

1. Approve subordination Agreements for the Patterson Place.

Documents:

[\(C\) ATTY - Patterson Place Agreement.pdf](#)

F. Consider the request for the approval from CenCom for the following:

1. Permission to accept a \$100 gift card from the Bismarck Rural Fire Department.

Documents:

[\(C\) CENCOM - Gift Card Donation.pdf](#)

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

1. Re-appoint Michael Marback to a three-year term on the Board of Adjustment.
2. Approve the 2020 Citizen Participation Plan Amendment.
3. Approve the contract agreement for 2020 Historic Preservation Funds.
4. Approve Bis-Man Transit to decommission and dispose of one fixed-route bus.

Documents:

[\(C\) CD - Board of Adjustment Appointment.pdf](#)
[\(C\) CD - Citizen Participation Plan Amendment.pdf](#)
[\(C\) CD - Historic Preservation Fund Grant.pdf](#)
[\(C\) CD - Transit Decommission and Disposal.pdf](#)

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

1. Approve North Dakota Department of Transportation Preliminary Engineering Reimbursement Agreement for Interstate 94-Exit 161 Reconstruction.
2. Award contract for Bismarck Sunrise Trail to Northern Improvement Company, contingent upon approval of the Bismarck Parks & Recreation District's Park Board.

Documents:

(C) ENG - Exit 161 Reconstruction.pdf
(C) ENG - Sunrise Trail - HC118.pdf

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

1. Permission to accept donations received during the COVID-19 Pandemic.

Documents:

(C) PD - Donations Request.pdf

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

1. Approve natural gas bid tab and award contract to Rainbow Gas Company.
2. Approve Task Order 20-02 to the agreement with Houston Engineering for solid waste operations engineering services.

Documents:

(C) PW-SO - Award Natural Gas Contract.pdf
(C) PW-SO - Task Order 20-02 Agreement.pdf

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

1. Approve Contract Change Order 1 with John's Refrigeration & Electric, Inc. for the 2019 Water SCADA project.

Documents:

(C) PW-UO - Change Order 1.pdf

4. REGULAR AGENDA

5. Receive Public Health COVID-19 update from Renae Moch, Bismarck Burleigh Public Health Director.

Documents:

(R) BBPH - COVID Update.pdf

6. Receive Emergency Operations Center COVID-19 update from Jason Tomanek, Assistant City Administrator.

Documents:

(R) ADMIN - EOC Update.pdf

7. Receive Budget Committee COVID-19 update from Dmitriy Chernyak, Finance Director.

Documents:

(R) FIN - Budget Update.pdf

8. Public hearing on a new Class I-2 Restaurant Beer and Wine only liquor license, for JET Enterprises, Inc., dba, Amici Pizza Company, located at 3001 Yorktown Dr.

Documents:

(R) ADMIN - Amici Pizza Company New Liquor License.pdf

9. Consider the request from the Administration Department for discussion regarding the annual alcohol license renewal process.

Documents:

(R) ADMIN - Alcohol Licenses.pdf

10. Consider the request from the Engineering Department for Street Improvement District No. 534 - Request for resolution receiving bids and ordering preparation of the Engineer's Statement for SI 534. Request for resolution awarding contract for SI 534.

Documents:

(R) ENG - SI 534.pdf

11. Consider the request from the Engineering Department for Street Utility Project SV 54 - Request to receive bids and award contract.

Documents:

(R) ENG - SV 54.pdf

12. Consider the request from the Engineering Department for Sewer Utility Project SU 76 - Request to receive bids and award contract.

Documents:

(R) ENG - SU 76.pdf

13. Consider the request from the Engineering Department to receive an update on 2020 construction projects.

Documents:

(R) ENG - 2020 Construction Update.pdf

14. Consider the request from the Attorney to receive an update on the public participation in City meetings and provide direction to staff on how to proceed.

Documents:

(R) ATTY - Public Meetings.pdf

Other Business

Adjourn



4/14/2020 - Minutes

MISSION STATEMENT

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

MEETING WITH THE BOARD OF EQUALIZATION

1. Call to Order
2. Director's Report - Dmitriy Chernyak, Finance Director
 - a. Presentation of the 2020 Annual Report
3. Adjourn

City Assessor Allison Jensen, presented the annual report for the Board of Equalization. The report summarized assessing roll in 2020, and reviewed 2019 real estate value and appraisal activity of the City. She confirmed that the market value of taxable real property, property sales, new construction, and annexations all combine to provide a tax base for the City's 2020 property tax, which is collected in 2021. Please see the attachment for the full presentation.

Assessor Jensen asked if there was anyone present that wanted to speak on behalf of their property adjustment. Two members of the public appeared. Stephen Brousseau, a resident at 407 Granite Dr. in Bismarck, and Matt Geiger, owner of Centennial Mobile Home Park located at 2500 Centennial Rd., both stated they wanted to appeal the assessment on their properties.

Commissioner Oban moved to approve the report as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

The meeting adjourned at 5:33 p.m.

MEETING OF THE BOARD OF CITY COMMISSION

1. Proclamation recognizing the week of April 12 - April 18, 2020 as National Public Safety Telecommunications Week.

Mayor Bakken signed the proclamation declaring April 12-18, 2020 as National Public Safety Telecommunications Week.

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

No member of the public appeared for comment.

3. Consider the approval of the minutes.

Commissioner Guy moved to approve the minutes as presented. Commissioner Oban seconded it. Upon a roll call vote, all voted aye. M/C.

4. CONSENT AGENDA

Commissioner Marquardt moved to approve the Consent Agenda as presented, with the exception of Public Works - Service Operation's item K #5, which he requested be pulled for further discussion. Commissioner Zenker seconded it. Upon a roll call vote, all voted aye. M/C.

Commissioner Marquardt asked the Director of Public Works - Service Operations, Jeff Heinz, to clarify a few concerns with the cancelation of Spring Clean Up Week. He and several commissioners

shared with Director Heinz the concerns they had heard from Bismarck residents regarding the proposed cancelation and instead allow free disposal at the landfill from April 20-25 with proof of residency with City utility bill. Director Heinz addressed these concerns which included long wait lines, exposure to COVID-19 when showing proof of utility bill and online billing. He stated that canceling Clean Up Week would ensure the safety of our City employees.

With the conclusion of this statement, Commissioner Marquardt moved to approve the cancelation of Spring Clean Up Week and instead hold open landfill disposal for Bismarck residents from April 20 - April 25, 2020. Commission Guy seconded it, and upon a roll call vote, all voted aye. M/C.

A. Consider approval of expenditures.

Vouchers: 1092427 - 1092666.

B. Consider approval of personnel actions.

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

1. Appoint Kollie Flomo and Annette Martel to the Bismarck Human Relations Committee.
2. Introduction of and call for a public hearing on a new Class I-2 Restaurant Beer and Wine Only Liquor License for JET Enterprises, Inc., Amici Pizza Company, located at 3001 Yorktown Dr.

D. Consider the request for approval from the Airport for the following:

1. Approve sale of surplus/obsolete items at the annual Police Auction.
2. Approve deferral of the Airport's rent and fees.

E. Consider the request for approval from the Attorney for the following:

1. Ratify the April 14, 2020 state of emergency declaration relating to COVID-19 by the President of the City Commission and extend its effect to May 14, 2020.

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

1. Apply for Section 5310 Funding for Mobility Manager position.
2. Apply for Section 5310 Funding for Night Time Demand Response Service.
3. Apply for Section 5310 Funding for Sunday Service for the Disabled and Elderly.
4. Approve Glenn Lauinger as a TrAMS User and a National Transit Database User Manager.

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

1. Approve the North Dakota Department of Transportation Construction and Maintenance Agreement and the Companion Agreement with Bismarck Parks and Recreation District.
2. Construction of Sidewalk, Curb and Gutter and Driveways 2020 - Request for Resolution Receiving Bids. Request for Resolution Awarding Contracts for Parts A-1, A-2, B-1 and B-2.
3. Street Improvement District No. 530 - Request for Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for SI 530. Request for Resolution Awarding Contract for SI 530.
4. Street Improvement District No. 532 - Request for Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for SI 532. Request for Resolution Awarding Contract for SI 532.
5. Street Improvement District No. 535 - Request for Resolution Approving Plans and Specifications. Request for Resolution Directing the Advertisement of Bids and Receive Bids.

6. Street Improvement District No. 536 - Request for Resolution Approving Plans and Specifications. Request for Resolution Directing the Advertisement of Bids and Receive Bids.
7. Street Improvement District No. 537 - Request for Resolution Approving Plans and Specifications. Request for Resolution Directing the Advertisement of Bids and Receive Bids.
8. Street Improvement District No. 538 - Request for Resolution Declaring Petitions for Improvements have been Received. Request for Resolution Creating District SI 538 and Ordering Preparation of Preliminary Report. Request for Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.
9. Water Utility Project WU 130 - Request and Receive Bids and Award Contract for WU 130.
10. Water Utility Project WU 132 - Request to Receive and Reject Bids for WU 132.

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

1. Application for Abatement for 2019, Deferred Maintenance, at 323 S. 9th St.
2. Approve Travel Policy revisions.

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

1. Permission to accept donated sanitizing supplies for first responders.

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

1. Allow the transfer of possession of a motorcycle to a salvage yard or equivalent for scrap.
2. Accept donations to help department personnel during the COVID-19 Pandemic.

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

1. Award contract for the Spring and Fall cankerworm control aerial spraying to Airborne Custom Spraying, Inc.
2. Award bid for one or more model side discharge slinger style spreaders for the Waste Water Treatment Plant to Duppong's, Inc.
3. Reallocate funds for purchase of a Forestry chipper truck using Forestry and Roads & Street 2020 operating budget.
4. Apply for America the Beautiful, a Tree Planting Grant, through the North Dakota Forest Service.
5. Cancel Spring Clean-Up Week and allow free disposal at the landfill April 20-25, 2020.
6. Approve the revised Fleet Services Fueling Services Policy regarding fuel purchases.
7. Approve Change Order 3 with Edling Electric for Street Utility Project No. 52.

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

1. Approve additional state funding for \$500,000 and approval of lead service line replacement cost share policy.
2. Approve the purchase of Wonderware software and hardware upgrades for SCADA system at the Waste Water Treatment Plant.
3. Approve Task Order No. 15 to the agreement with AE2S for 2020 Water Distribution Upgrade I&C Commissioning Services.
4. Submit planning level flood protection information to the State Water Commission.

5. REGULAR AGENDA

6. Receive COVID-19 update from Keith Hunke, City Administrator.

No motion was made for this item.

7. Receive COVID-19 update from Dmitriy Chernyak, Finance Director.

Finance Director Dmitriy Chernyak presented the financial activity for the 2019 fiscal year, the approved budget for 2020 and the 1st quarter expenditures for this year. He also explained the impact COVID-19 Pandemic has had on the City's finances.

Please see the attachment for his full presentation.

Commissioner Marquardt moved to approve the report as presented to reconvene the budget committee to review 2020 budget, which would include, the 2020 initiatives, the 2020 capital projects, the budget overall, a better understanding of the impact of COVID-19, provide direction to the City Commission and plan for the 2021 budget. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C.

8. Consider the request from the Community Development Department, regarding the Apple Meadows Third Subdivision, requested by Sattler Family, LLLP, for the following:

No member of the public appeared for comment during the continued public hearing.

Commissioner Zenker moved to approve the zoning change and final plat of Apple Meadows Third Subdivision. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye.

9. Consider the request from the Engineering Department for Street Improvement District No. 531 - Request for resolution determining insufficiency of protests on resolution of necessity. Request for resolution receiving bids and ordering preparation of the Engineer's Statement for SI 531A and SI 531B. Request for resolution awarding contracts for SI 531A and SI 531B.

Commissioner Zenker moved to approve Street Improvement District No. 531, SI 531 A & SI 531 B, excluding unit 8 and 11 to the low bidding contractors and including the resolutions. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C.

10. Consider the request from the Engineering Department for Street Improvement District No. 533 - Request for resolution determining insufficiency of protests on resolution of necessity. Request for resolution receiving bids and ordering preparation of the Engineer's Statement.

Commissioner Oban moved to improve the street improvement project as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C.

11. Consider the request from the Administration Department to hold a discussion regarding the retail sale of alcoholic beverages.

The Commission discussed allowing restaurants to serve alcoholic beverages with prepared food orders being picked up.

Commissioner Oban made a motion for staff to explore options for writing something up that would allow restaurants to do curbside, beer and wine only, with beer being sold at no more than 64 ounces, all alcohol sales would be sold with the purchase of food, for one-month only, no longer, unless the Commission decides otherwise.

No member of the Commission seconded. Motion Denied.

12. Receive an update from the City Attorney regarding the efforts and successes for mitigation strategies due to COVID-19.

City Attorney Jannelle Combs informed the Commission on the successes of the City's effort to slow the spread of COVID-19. This included adjustments staff adapted to and assisted in putting into action, such as video conferences and policy changes. She addressed the dedicated efforts and positive outcome of the Emergency Operations Center to educate Bismarck residents through media outreach. In addition, she discussed the strategies the organization has taken to ensure safety of City employees and the citizens they serve.

Other Business

Having completed all the items on the agenda, President Bakken asked if there was any other business.

The next City Commission Meeting will be at 5:15 on April 28, 2020.

Adjourn

The meeting was adjourned at 7:14 p.m.

MEETING OF THE BOARD OF CITY COMMISSIONERS

April 17, 2020

On April 17, 2020 at 4:00 p.m., the Board of City Commissioners met in the Tom Baker Meeting Room of the City/County Building, located at 221 N. 5th St. in Bismarck, N.D. This special meeting was held to discuss curb-side liquor sales.

City Administrator Keith Hunke, Walrus Restaurant owner Jill Sanford and manager Shawn Sanford were present. Assistant City Administrator Jason Tomanek, Attorney Combs, Vice Chair Marquardt, Commissioner Zenker, Commission Oban and Commissioner Guy all participated via Zoom. President Bakken did not participate.

On Tuesday, April 14, 2020, at the Regular City Commission Meeting, Commissioner Oban made a motion for staff to explore options for a resolution that would allow restaurants to sell curb-side beer and wine with the purchase of food, for one-month only, no longer, unless the Commission decided otherwise. There was no second to this motion, and the no action was taken by the Commission.

On April 17, 2020, Commissioner Zenker asked Attorney Combs to draft up the resolution Commissioner Oban made a motion for at the Regular Commission Meeting on April 14, 2020. Attorney Combs sent the draft to the Commissioners before the meeting on April 17.

Commissioner Zenker stated he wanted to revisit the item due to the increase of positive COVID-19 cases and the Governor's extended executive orders.

After discussion regarding the closures affecting local restaurants, sales tax and the language in the retail sale resolution, Commissioner Oban made a motion to allow the sale of beer, no more than 64 oz. and wine to be sold with curb-side food orders through May 17, 2020. Commissioner Guy seconded it. Upon a roll call vote, all voted aye. M/C.

The meeting was adjourned at 4:29 p.m.

**RESOLUTION REGARDING THE MORATORIUM PERTAINING TO
THE RETAIL SALE OF ALCOHOLIC BEVERAGES**

WHEREAS, the City Commission of the City of Bismarck has adopted Bismarck Code of Ordinances, Article 5-01 pertaining to the retail sale of alcoholic beverages; and

WHEREAS, the City Commission of the City of Bismarck hereby adopts the following policy pursuant to said Ordinance:

WHEREAS, the Mayor has declared a state of emergency as a result of the COVID-19 pandemic, by declarations dated March 15, 2020, and April 14, 2020, which were both ratified by the Bismarck City Commission; and,

WHEREAS, the Governor of the State of North Dakota, declared, by executive order of March 19, 2020, that “effective at 12:00 p.m., Friday, March 20th, all restaurants, bars, breweries, cafes and similar on-site dining establishments are closed to on-sale/on-site patrons; take-out, delivery, curbside, drive-through or off-sale services may continue; this requirement will continue through Monday, April 6, 2020, which Order was thereafter extended to April 30; and,

WHEREAS, the City’s “state of emergency” ordinance authorizes the Mayor and City Commission to, among other things, “. . . prohibit or limit the movement of persons or hours of operation of businesses, by curfew or otherwise, within the designated disaster or emergency area, and the occupancy of premises therein” and to “. . . limit or prohibit the sale, dispensing or transportation of alcoholic beverages . . .”; and,

WHEREAS, North Dakota cities are authorized to enact or adopt all such ordinances, resolutions, and regulations, not repugnant to the constitution and laws of this state, as may be proper and necessary to carry into effect the powers granted to such [cities] . . . as the general welfare of the municipality may require . . . “including the power” [t]o regulate the use and sale of alcoholic beverages . . . [N.D.C.C. §40-04-01 subd.1 and 29]; and,

WHEREAS, it is hereby found and declared that the health, safety and welfare of the City and its occupants will be benefited by providing appropriate means for the delivery of meals, including beverages, to individuals and families that fosters appropriate social distancing for the curbing of the COVID-19 pandemic;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. **MORATORIUM ESTABLISHED.** A moratorium on enforcement is hereby established as to the enforcement within the jurisdictional limits of the City of Bismarck of Section 5-01-01(10) of the Bismarck Code of Ordinances, as follows:

- a) **The current text of the ordinance is:** "On-sale" means the sale of alcoholic beverages for consumption only on the premises where sold except that nothing in this section shall prohibit any person from taking and consuming a lawfully purchased on-sale alcoholic beverage from one licensed premises to another licensed premises located contiguously in the same building.

b) For purposes of this moratorium, the definition of the term “on-sale”, as set forth in 5-01-01(10) of the Bismarck Municipal Code, limited the “. . . the sale of alcoholic beverages for consumption only on the premises where sold . . .” shall be enforced such that professionally sanitized and sealed cans or bottles of beer, not to exceed 64 ounces, or professionally sanitized and sealed cans or bottles of wine to customers so long as they are sold with such food or meals sold by the restaurant and served or delivered by means of such “take-out”, “curbside delivery”, or such lawful means are hereby deemed to have been consumed on the licensed premises so long as said beverages are accompanied by food purchased from the restaurant.

2. **Mayor Authorized to Implement by Further Order or Orders.** The Mayor of the City is hereby authorized to promulgate and issue one or more executive orders as may be necessary to implement and clarify the terms of this moratorium, under the authority of Bismarck Code of Ordinances Section 2-08-03 and hereof, which executive orders may be further ratified or amended by the board of city commissioners as may be necessary or appropriate.

3. **Effect of Moratorium – Limitation of Enforcement.** This moratorium as to the enforcement of certain regulations or ordinances of the City shall serve to instruct, order and limit the police officers and prosecutors of the City or any other law enforcement officers or agents to refrain from enforcing City ordinances contrary to the terms hereof and to refrain from charging or citing persons, firms or other entities accordingly and, furthermore, said instruction, order and limitation in enforcement shall survive the termination of this moratorium, whether such termination occurs by lapse of time or by affirmative act.

4. **Effective Date and Term.** This moratorium shall take effect immediately upon the adoption hereof [the “Effective Date”] and shall extend until the 17th day of May, 2020, unless it is otherwise terminated or extended by resolution or motion of the board of city commissioners of the City of Bismarck.

DATED at Bismarck, North Dakota this 17th day of April, 2020.



Steve Bakken, President

City of Bismarck Commission

Attest:



Keith Hunke, City Administrator

PERSONNEL ACTIONS FOR THE MEETING ON Apr 28, 2020

Full-Time and Part-Time Appointments

Smith, Krystal Building Service Worker	Airport	Probationary appointment @ \$16.81/hr. 4/19/2020
Kary, Mason Engineering Intern	Engineering	Part time appointment @ \$13.00/hr. 4/27/2020
Landeis, Sheldon Maintenance Tech	Public Works	Probationary appointment @ \$23.55/hr. 4/20/2020

Separations

Smith, Krystal Event Safety Officer I	Event Center	Resigned. 4/18/2020
Scheet, Jennifer Comptroller	Finance	Resigned. 4/30/2020
Pritchert, Elizabeth Client Services Representative	Public Health	Resigned. 5/1/2020
Fetting, Bruce Scale Operator	Public Works	Retired. 6/26/2020

Others

Spletstoser, Ryan Maintenance Tech	Public Works	Lateral move, no salary adj. effective 4/19/2020
---------------------------------------	--------------	---



City Administration

DATE: April 21, 2020
FROM: Jason Tomanek, Assistant City Administrator
ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- Bismarck-Mandan Convention of Visitors Bureau
 - Elbow Room – 115 S 5th St
 - O'Brians – 1039 E Interstate Ave
 - Quality Inn – 1030 E Interstate Ave
 - Ramkota – 800 S 3rd St
 - Stadium – 1247 W Divide Avenue

Please place this item on the April 28, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

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

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



Airport

A handwritten signature in blue ink, appearing to be "G. B. Haug", located to the right of the "FROM:" field.

DATE: April 17, 2020

FROM: Gregory B. Haug, Airport Director

ITEM: Approve an insurance consultant selection committee recommendation.

REQUEST

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Bismarck Airport conducted an insurance consultant selection process between March 26 and May 18, 2015 to select an airport insurance consultant for up to five years. The insurance consultant selection process was conducted in conformance with the City consultant selection policy.

Between April 3, 2020 and April 17, 2020 the selection committee consisting of Commissioner Greg Zenker, Airport Director Greg Haug, City Attorney Jannelle Combs, Event Center Director Charlie Jeske and Assistant Airport Marketing and Operations Manager, Matthew Remynse considered a written proposal from the single proposer Arthur J. Gallagher & Co. The committee then selected Arthur J. Gallagher & Co. to recommend to the Board of City Commissioners. I want to note that the single proposer is the incumbent. Arthur J. Gallagher & Co. is in its 10th year of our preceding two five year selections, the first period operating formerly under the name NationAir. They have provided very good service to Bismarck Airport during that period.

The consultant work would be multiyear (for up to five years) beginning March 1, 2021 and would include:

- Providing advice to Airport staff on insurance matters
- Providing an Airport Liability Policy
- Providing Airport Environmental Insurance
- Coordinating Airport vehicle/equipment insurance with North Dakota Insurance Reserve Fund (NDRF)
- Providing claims support and other miscellaneous insurance services needed by Airport staff

RECOMMENDED CITY COMMISSION ACTION

Accept and approve the airport insurance consultant selection committee's recommendation of Arthur J. Gallagher & Co.

STAFF CONTACT INFORMATION

Greg Haug, Airport Director, 355-1808 or ghaug@bismarcknd.gov



Airport

DATE: April 21, 2020

FROM: Gregory B. Haug, Airport Director

ITEM: Receive and consider bids for Short Term, Long-Term and Economy Parking Lot Expansion.

REQUEST

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

On November 11, 2019 the Board approved an Engineering design contract with KLJ for a Short Term, Long-Term and Economy Parking Lot Expansion. The KLJ design to accommodate growth at Bismarck Airport Bismarck includes approximately 137 short term spaces, 52 long term spaces and 98 economy lot spaces and lighting (Enclosure 1).

The project was designed and advertised and bids were opened on Monday April 20, 2020 (Enclosure 2). Four companies bid with two general contractor bids (Northern Improvement Company and Strata Corporation) and three electrical bids (Edling Electric, Denny's Electric and Strata Corporation). Strata Corporation was the low bid for schedule 1 general contractor work totaling \$1,142,857.10. Denny's Electric was the low bid for Schedule 2 electrical work totaling \$48,430.25. The cost for the parking expansion is accommodated in the Airports approved spending plan. A project budget is attached.

Bismarck Airport experienced ten straight record years of passenger enplanement growth and started this year up 12.2% before the precipitous drop in March caused by Coved-19. Airport Staff expects recovery of airport enplanement numbers and will need the expanded parking so we recommend proceeding with this work.

RECOMMENDED CITY COMMISSION ACTION

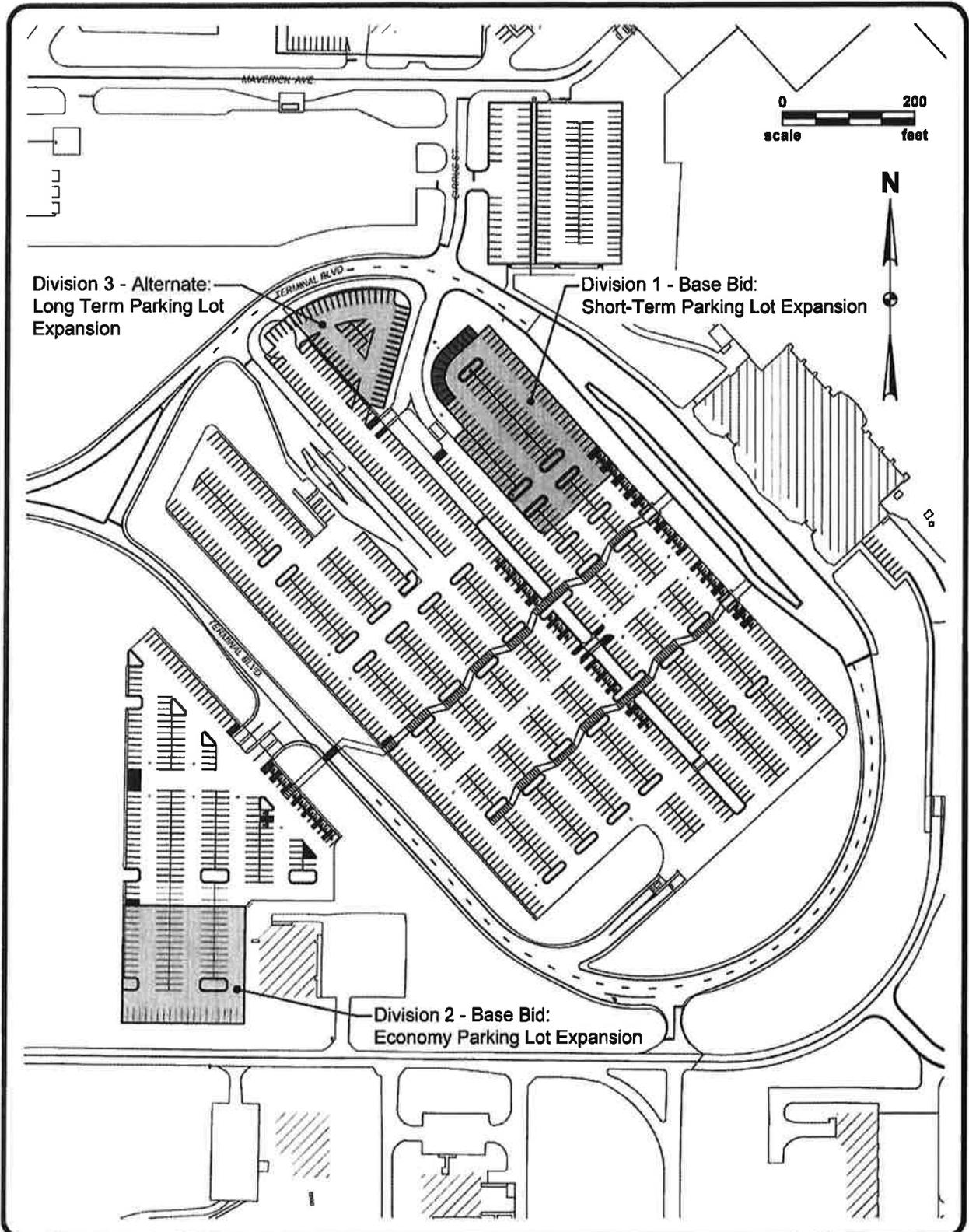
Receive bids and award to the low bidder Strata Corporation for schedule 1 general contractor work totaling \$1,142,857.10 and low bidder Denny's Electric for Schedule 2 electrical work totaling \$48,430.25 and approve the project budget. .

STAFF CONTACT INFORMATION

Greg Haug, Airport Director, 355-1808 or ghaug@bismarcknd.gov

Enclosures:

1. Parking expansion diagram.
2. Bid Tab
3. Project Budget



Division 3 - Alternate:
Long Term Parking Lot
Expansion

Division 1 - Base Bid:
Short-Term Parking Lot Expansion

Division 2 - Base Bid:
Economy Parking Lot Expansion

DRAFTED BY: A.J.M.
REVIEWED BY:
PROJECT NO: 1905-00848
REVISED DATE: 9/16/2019

LANDSIDE PARKING EXPANSIONS
SHORT TERM, LONG TERM, AND ECONOMY PARKING LOTS
BISMARCK, ND





Bismarck Airport

Short-Term, Economy, and Long-Term Parking Lot Expansion

Non-AIP KLJ #1905-00848

Monday, April 20, 2020 4:00 P.M. CT

Bidder	Total Cost Schedule 1, Division 1 Base Bid	Total Cost Schedule 1, Division 2 Base Bid	Total Cost Schedule 1, Division 3 Alternate A	Total Cost Schedule 2, Division 1 Base Bid	Total Cost Schedule 2, Division 2 Base Bid	Total Cost Schedule 2, Division 3 Alternate A
Strata Corporation Grand Forks, ND	\$ 707,806.40	\$ 258,053.45	\$ 176,997.25	\$ 44,437.00	\$ 20,950.00	\$ 11,172.00
Denny's Electric LLC Dickinson, ND	No Bid	No Bid	No Bid	\$ 23,481.25	\$ 17,325.00	\$ 7,624.00
Northern Improvement Company Fargo, ND	\$ 822,597.90	\$ 274,428.99	\$ 177,768.55	No Bid	No Bid	No Bid
Edling Electric, Inc. Bismarck, ND	No Bid	No Bid	No Bid	\$ 45,277.50	\$ 19,223.00	\$ 13,970.00
Engineer's Opinion of Construction Cost	\$ 669,254.00	\$ 325,880.00	\$ 199,556.00	\$ 18,712.50	\$ 10,774.00	\$ 4,930.00

Costs shown are AS READ from the bid opening.

AIRPORT PROJECT BUDGET

Date: April 28, 2020

Number		Description	Short Term, Long Term and Economy Lot Expansion
---------------	--	--------------------	---

Scheduled Start	May-20	Scheduled End	Oct-20
------------------------	--------	----------------------	--------

Project Construction Contracts

<u>Project Construction Contracts</u>	<u>Amount</u>
1. Strata Corporation (General)	\$1,142,857.10
2. Denny's Electric (Electrical)	\$48,430.25
Total Construction Contracts	\$1,191,287.35

<u>Engineer, Testing and Misc. Contracts</u>	<u>Amount</u>
1. KLJ - Design and Bidding, Construction Observation, Administration, Close Out, and Testing	\$412,993.14
2. TKDA (Independent Fee Review)	\$3,000.00
3. Utility Relocation	\$30,000.00
Total Engineer, Testing and Misc. Contracts	\$445,993.14

Administration	\$2,759.51
-----------------------	------------

Sub Total	\$1,640,040.00
------------------	-----------------------

<u>Project Funding</u>	<u>Amount</u>
Airport Funds:	\$1,640,040.00
Total Funding (without contingencies)	\$1,640,040.00

CONTINGENCIES 10%

OTHER COSTS

TOTAL PROJECT COST



Airport

DATE: April 22, 2020
FROM: Gregory B. Haug, Airport Director
ITEM: Accept CARES ACT Grant.

A handwritten signature in blue ink, appearing to read "GBH", located to the right of the "FROM:" line.

REQUEST

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

As a result of the dramatic drop in Airline passenger activity and the corresponding drop in revenue at the commercial airports caused by COVID-19, Congress passed the CARES Act relief funding package for airports so they continue to operate and meet operating costs and debt obligations. Grant applications were pre-populated and sent out to airports by the Federal Aviation Administration (FAA). Bismarck Airport is submitting a grant application document for \$20,291,850. The grant funding can be used for "any purpose for which airport funds may be lawfully be used, as found in the Office of Airports Revenue Use Policy, except airport development and land acquisition". Accepting the grant will provide Bismarck Airport operational funds to continue to operate and maintain financial stability for up to four (4) years starting on January 20, 2020. The grant offer when it comes will be an electronic document needing electronic signature.

RECOMMENDED CITY COMMISSION ACTION

Authorize staff to complete necessary actions to process and accept the grant and have it signed by Mayor Bakken.

STAFF CONTACT INFORMATION

Greg Haug, Airport Director, 355-1808 or ghaug@bismarcknd.gov



City Attorney

DATE: April 23, 2020

FROM: Janelle Combs, City Attorney

ITEM: Consider approval of two Subordination Agreements for Patterson Place.

REQUEST

Approve two Subordination Agreements for Patterson Place.

Please place this item on the 4/28/2020 City Commission consent meeting agenda.

BACKGROUND INFORMATION

On November 28, 1983, the City loaned McKenzie Hotel Associates \$300,000.00 and received a Deed of Architectural Façade Easement for the property at 420 East Main Avenue also known as Patterson Place. On December 16, 2003, the City subordinated its note in favor of owner refinancing and extended the note term to April 1, 2024. The property was sold from McKenzie Hotel Associates to Patterson Place Limited Partnership.

With the sale to Patterson Place Limited Partnership in the spring of 2019, the Commission extended the date of the note to 2039, and subordinated our loan to a Bridgewater Mortgage of \$6,332,500.00 and the rehabilitation financing with Fannie Mae through Dougherty Mortgage, LLC in an amount not to exceed \$5,500,000.00.

The owners are refinancing to have new first mortgage of lending through Cedar Rapids Bank and Trust and a second Housing Trust Fund loan on this project with North Dakota Housing Finance Agency. They are requesting that the \$300,000 note be subordinated to these two new loans.

RECOMMENDED CITY COMMISSION ACTION

Approve entering into the Subordination Agreements for the Cedar Rapids Rank and Trust Company of \$7,300,000.00 and for North Dakota Housing Finance Agency in the amount of \$2,500,000.00 for Patterson Place Limited Partnership.

STAFF CONTACT INFORMATION

Janelle Combs | City Attorney, 355-1340 or jcombs@bismarcknd.gov

SUBORDINATION AGREEMENT

THIS SUBORDINATION AGREEMENT (“**Agreement**”) is made and entered into this ___ day of March, 2020, by and between CITY OF BISMARCK, NORTH DAKOTA, a North Dakota municipal corporation (the “**City**”), INDUSTRIAL COMMISSION OF NORTH DAKOTA ACTING IN ITS CAPACITY AS THE NORTH DAKOTA HOUSING FINANCE AGENCY, an agency of the State of North Dakota (“**NDHFA**”) and PATTERSON PLACE LIMITED PARTNERSHIP, a Minnesota limited partnership (“**Borrower**”).

RECITALS

WHEREAS, NDHFA is making a mortgage loan (the “**NDHFA Loan**”) to Borrower as evidenced by a Promissory Note dated March ___, 2020 executed by the Borrower in favor of NDHFA in the amount of Two Million Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00) (the “**NDHFA Note**”), which is secured by a Mortgage, Security Agreement, and Fixture Filing dated March ___, 2020, executed by the Borrower in favor of NDHFA (the “**NDHFA Mortgage**”) as a mortgage lien against the fee simple interest in the real property commonly known as 420 East Main Street, 422 East Main Street and 108 North 5th Street, all located in Bismarck, North Dakota, as legally described in *Exhibit A* attached hereto (the “**Property**”).

WHEREAS, the City made a loan to the McKenzie Hotel Associates, a Minnesota limited partnership (“**McKenzie**”) as evidenced by a Residual Receipts Note dated November 28, 1983 executed by McKenzie in favor of the City in the original principal amount of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) (the “**City Note**”), in connection with that certain Deed of Architectural Façade Easement by and between McKenzie and the City dated as of November 28, 1983, and recorded on December 13, 1983 in the Office of the Recorder of Burleigh County, North Dakota as Document No. 345060, as amended (collectively, the “**Easement**”), such Easement burdening the Property.

WHEREAS, McKenzie’s interest in the City Note was assigned by McKenzie to Borrower and assumed by Borrower from McKenzie pursuant to an Assignment and Assumption of Note Obligations dated April 23, 2019 executed by and between Borrower and City,

WHEREAS, as a condition of NDHFA making the NDHFA Loan to the Borrower on the date hereof, City must execute and deliver this Subordination Agreement agreeing to subordinate the rights under the Easement to the NDHFA Mortgage and subordinate the right to payment of amounts due and owing under the City Note to the NDHFA Loan, all as more fully set forth herein.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each party hereto, it is hereby agreed as follows:

1. Subordination. The Easement and the rights of the City through the Easement in and to the Property, and any improvements located thereon are hereby subjected and

subordinated and shall remain in all respects and for all purposes subject to, subordinate, and junior to the lien of the NDHFA Mortgage, including any amendments made thereto, and to the rights and interest of the holder of the NDHFA Mortgage, as with the same effect as if the NDHFA Mortgage, including any amendments thereto, had been duly executed, acknowledged, and recorded, and the indebtedness secured thereby had been fully disbursed prior to the execution of the Easement.

2. Subordination of Payment. Once an Event of Default shall have occurred under the NDHFA Note and shall be continuing or payment to City under the City Note would cause an Event of Default under the NDHFA Note, and NDHFA or their successor has notified City in writing of an Event of Default, City shall not receive any payment of any moneys, including, without limitation, principal or interest (including post-petition interest), now or hereafter owing by Borrower in respect of any payments due and owing as secured by the Easement or any security therefor, until the final payment in full of all obligations, liabilities and indebtedness of every nature of Borrower, from time to time owing to NDHFA under or in connection with the NDHFA Note, including principal, interest, fees (including fees of counsel), and expenses whether now or hereafter existing under the NDHFA Note. Notwithstanding the foregoing, upon foreclosure of the NDHFA Mortgage; provided the amount of the bid at the sheriff's sale is the full amount due and owing to NDHFA under the NDHFA Note, the payment subordination shall cease as to the NDHFA Note only. City acknowledges and agrees that any payment, fee or any other amount owing to it as secured by the Easement is expressly subordinated to the NDHFA Note.

3. Successors and Assigns. This Agreement and each and every covenant, agreement, and other provisions hereof shall be binding upon the parties hereto and their respective successors and assigns, including without limitation from time to time the holder of the First Note, Second Note or any other person having an interest therein and shall inure to the benefit of the NDHFA and its successors and assigns.

4. Choice of Law. This Agreement is made and executed under and in all respects is to be governed and construed by the laws of the State of North Dakota.

5. Captions and Headings. The captions and headings of the various sections of this Agreement are for convenience only and are not to be construed as confirming or limiting in any way the scope or intent of the provisions hereof. Whenever the context requires or permits, the singular shall include the plural, the plural shall include the singular, and the masculine, feminine, and neuter shall be freely interchangeable.

6. Notices. Any notice which any party hereto may desire to may be required to give to any other party shall be in writing and shall be deemed given two (2) business days after mailing thereof by first class mail, or equivalent, to the addresses as set forth below, or to such other places any party hereto may by notice in writing designate shall constitute service of notice

hereunder.

NDHFA: North Dakota Housing Finance Agency
[2624 Vermont Ave]
Post Office Box 1535
Bismarck, ND 58502
Attn: Planning and Housing Development

City: City of Bismarck, North Dakota
211 North 5th Street
PO Box 5503
Bismarck, North Dakota 58506-5503
Attn: City Attorney

Borrower: Patterson Place Limited Partnership
620 Mendelssohn Avenue, Suite 107
Golden Valley, Minnesota 55427
Attn: Tom Schuett

7. Counterparts. Each of the executed counterparts of this Agreement shall be original and all counterparts together shall constitute one and the same agreement.

8. Term. This Agreement shall continue in effect until the NDHFA Note is paid in full.

{THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.}

EXHIBIT A

Legal Description

Lots Seven (7), Eight (8), Nine (9) and Ten (10) and that part of a vacated alley, being the East Seventy-five (E. 75') of the East/West alley in Block Forty-eight (48) of the Original Plat to the City of Bismarck, North Dakota, which alley part is more particularly described as follows:

Beginning at the Southeast corner of Lot 6 of Block 48; thence West along the South line of Lot 6, a distance of 75 feet; thence South 20 feet to the North line of said Lot 9; thence East along the North line of Lots 9, 8 and 7, a distance of 75 feet to the Northeast corner of said Lot 7; thence North 20 feet along the West line of 5th Street, in Bismarck, Burleigh County, North Dakota, to the place of beginning.

Burleigh County, North Dakota

SUBORDINATION AGREEMENT

THIS SUBORDINATION AGREEMENT (“**Agreement**”) is made and entered into this ___ day of March, 2020, by and between CITY OF BISMARCK, NORTH DAKOTA, a North Dakota municipal corporation (the “**City**”), CEDAR RAPIDS BANK AND TRUST COMPANY, an Iowa banking corporation (“**CRBT**”) and PATTERSON PLACE LIMITED PARTNERSHIP, a Minnesota limited partnership (“**Borrower**”).

RECITALS

WHEREAS, CRBT is making a mortgage loan (the “**First Loan**”) to Borrower as evidenced by a Promissory Note dated March ___, 2020 executed by the Borrower in favor of CRBT in the amount of Seven Million Three Hundred Thousand and 00/100 Dollars (\$7,300,000.00) (the “**First Note**”), which is secured by a Combination Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents dated March ___, 2020, executed by the Borrower in favor of CRBT (the “**First Mortgage**”) as a first mortgage lien against the fee simple interest in the real property commonly known as 420 East Main Street, 422 East Main Street and 108 North 5th Street, all located in Bismarck, North Dakota, as legally described in *Exhibit A* attached hereto (the “**Property**”).

WHEREAS, CRBT is making a tax credit bridge loan (the “**Second Loan**”) to Borrower as evidenced by a Promissory Note dated March ___, 2020 executed by the Borrower in favor of CRBT in the amount of Seven Million Seven Hundred Thousand and 00/100 Dollars (\$7,700,000.00) (the “**Second Note**”).

WHEREAS, the City made a loan to the McKenzie Hotel Associates, a Minnesota limited partnership (“**McKenzie**”) as evidenced by a Residual Receipts Note dated June 29, 2012 executed by McKenzie in favor of the City in the original principal amount of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) on November 28, 1983 (the “**City Note**”), in connection with that certain Deed of Architectural Façade Easement by and between McKenzie and the City dated as of November 28, 1983, and recorded on December 13, 1983 in the Office of the Recorder of Burleigh County, North Dakota as Document No. 345060, as amended (collectively, the “**Easement**”), such Easement burdening the Property.

WHEREAS, McKenzie’s interest in the City Note was assigned by McKenzie to Borrower and assumed by Borrower from McKenzie pursuant to an Assignment and Assumption of Note Obligations dated April 23, 2019 executed by and between Borrower and City,

WHEREAS, as a condition of CRBT making the First Loan and Second Loan to the Borrower on the date hereof, City must execute and deliver this Subordination Agreement agreeing to subordinate the rights under the Easement to the First Mortgage and subordinate the right to payment of amounts due and owing under the City Note to the First Loan and Second Loan, all as more fully set forth herein.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by

each party hereto, it is hereby agreed as follows:

1. Subordination. The Easement and the rights of the City through the Easement in and to the Property, and any improvements located thereon are hereby subjected and subordinated and shall remain in all respects and for all purposes subject to, subordinate, and junior to the lien of the First Mortgage, including any amendments made thereto, and to the rights and interest of the holder of the First Mortgage, as with the same effect as if the First Mortgage, including any amendments thereto, had been duly executed, acknowledged, and recorded, and the indebtedness secured thereby had been fully disbursed prior to the execution of the Easement.

2. Subordination of Payment. Once an Event of Default shall have occurred under the First Note and/or Second Note and shall be continuing or payment to City under the City Note would cause an Event of Default under the First Note and/or Second Note, and CRBT or their successor has notified City in writing of an Event of Default, City shall not receive any payment of any moneys, including, without limitation, principal or interest (including post-petition interest), now or hereafter owing by Borrower in respect of any payments due and owing as secured by the Easement or any security therefor, until the final payment in full of all obligations, liabilities and indebtedness of every nature of Borrower, from time to time owing to CRBT under or in connection with the First Note and Second Note, including principal, interest, fees (including fees of counsel), and expenses whether now or hereafter existing under the First Note and Second Note. Notwithstanding the foregoing, upon foreclosure of the First Mortgage; provided the amount of the bid at the sheriff's sale is the full amount due and owing to CRBT under the First note, the payment subordination shall cease as to the First Note only. City acknowledges and agrees that any payment, fee or any other amount owing to it as secured by the Easement is expressly subordinated to the First Note.

3. Successors and Assigns. This Agreement and each and every covenant, agreement, and other provisions hereof shall be binding upon the parties hereto and their respective successors and assigns, including without limitation from time to time the holder of the First Note, Second Note or any other person having an interest therein and shall inure to the benefit of the CRBT and its successors and assigns.

4. Choice of Law. This Agreement is made and executed under and in all respects is to be governed and construed by the laws of the State of North Dakota.

5. Captions and Headings. The captions and headings of the various sections of this Agreement are for convenience only and are not to be construed as confirming or limiting in any way the scope or intent of the provisions hereof. Whenever the context requires or permits, the singular shall include the plural, the plural shall include the singular, and the masculine, feminine, and neuter shall be freely interchangeable.

6. Notices. Any notice which any party hereto may desire to may be required to give to any other party shall be in writing and shall be deemed given two (2) business days after mailing thereof by first class mail, or equivalent, to the addresses as set forth below, or to such

other places any party hereto may by notice in writing designate shall constitute service of notice hereunder.

CRBT: Cedar Rapids Bank and Trust Company
500 1st Avenue NE, Suite 100
Cedar Rapids, IA 52401
Attn: Sam Kramer

City: City of Bismarck, North Dakota
211 North 5th Street
PO Box 5503
Bismarck, North Dakota 58506-5503
Attn: City Attorney

Borrower: Patterson Place Limited Partnership
620 Mendelssohn Avenue, Suite 107
Golden Valley, Minnesota 55427
Attn: Tom Schuett

7. Counterparts. Each of the executed counterparts of this Agreement shall be original and all counterparts together shall constitute one and the same agreement.

8. Term. This Agreement shall continue in effect until the First Note and Second Note are paid in full.

{THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.}

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed as of the date first above written.

CITY:

By: _____
Steve Bakken
Its: President, Board of City Commissioners

AND

By: _____
Keith J. Hunke
Its: City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this ____ day of _____, 2020, before me personally appeared Steve Bakken, President of Board of City Commissioners, and Keith J. Hunke, 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.

(SEAL)

Notary Public
Burleigh County, North Dakota

CRBT:

CEDAR RAPIDS BANK AND TRUST
COMPANY,
an Iowa banking corporation

By: _____

Sam Kramer

Its: Vice President

STATE OF IOWA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by Sam Kramer, Vice President of Cedar Rapids Bank and Trust Company, an Iowa banking corporation, on behalf of the banking corporation.

Notary Public

BORROWER:

PATTERSON PLACE LIMITED PARTNERSHIP,
a Minnesota limited partnership

By: SCHUETT PATTERSON PLACE, LLC,
a Minnesota limited liability company
Its: General Partner

By: _____
Thomas L. Schuett
Its: President

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Thomas L. Schuett, the President of Schuett Patterson Place, LLC, a Minnesota limited liability company, as the General Partner of Patterson Place, Limited Partnership, a Minnesota limited partnership, on behalf of the limited partnership.

Notary Public

This instrument was drafted by:

MESSERLI & KRAMER P.A. (MRJ)
1400 Fifth Street Towers
100 South Fifth Street
Minneapolis, MN 55402-4218
(612) 672-3718

EXHIBIT A

Legal Description

Lots Seven (7), Eight (8), Nine (9) and Ten (10) and that part of a vacated alley, being the East Seventy-five (E. 75') of the East/West alley in Block Forty-eight (48) of the Original Plat to the City of Bismarck, North Dakota, which alley part is more particularly described as follows:

Beginning at the Southeast corner of Lot 6 of Block 48; thence West along the South line of Lot 6, a distance of 75 feet; thence South 20 feet to the North line of said Lot 9; thence East along the North line of Lots 9, 8 and 7, a distance of 75 feet to the Northeast corner of said Lot 7; thence North 20 feet along the West line of 5th Street, in Bismarck, Burleigh County, North Dakota, to the place of beginning.

Burleigh County, North Dakota



Commission Memorandum

DATE: April 21, 2020
FROM: Mike Dannenfelzer, Communications Director
ITEM: Gift Card Receipt

REQUEST

To approve CenCom acceptance of gift card from Bismarck Rural Fire Department.

Please place this item on Consent Agenda for the April 28, 2020 City Commission meeting.

BACKGROUND INFORMATION

April 12 – 14, 2020 was celebrated as National Public Safety Telecommunications Week. Historically, our staff are celebrated with small gifts of goodies, sandwiches, coffee, etc. from other agencies and persons during this week. This year however, with higher restrictions on access, there were understandably fewer opportunities for others to say thank you to our staff like they had in past years.

The Bismarck Rural Fire Department took a unique step of sending a \$100 gift card to CenCom from a local bakery. When divided amongst all staff, it results in less than \$5/person.

RECOMMENDED CITY COMMISSION ACTION

Approve CenCom's acceptance and use of the \$100 gift card for CenCom employees.

STAFF CONTACT INFORMATION

Mike Dannenfelzer, mdannenfelzer@bismarcknd.gov, 701-222-6727



Community Development Department

DATE: April 21, 2020
FROM: Ben Ehreth, AICP, Community Development Director
ITEM: Member Appointment to the Board of Adjustment

REQUEST

On behalf of Mayor Bakken, I would recommend that Mr. Michael Marback be re-appointed to serve a three-year term on the City's Board of Adjustment. If confirmed by the Board of City Commissioners, Mr. Marback's position would expire in April 2023.

Please place this item on the April 28, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Board of Adjustment is a six-member board appointed by the Bismarck City Commission to decide appeals from an order, requirement or determination made by an administrative official of the City of Bismarck. The Board of Adjustment is empowered to make interpretations and grant variances related to zoning regulations.

RECOMMENDED CITY COMMISSION ACTION

It is recommended that Mr. Marback be appointed to serve on the Board of Adjustment for a term expiring April 2023.

STAFF CONTACT INFORMATION

Ben Ehreth, AICP | Community Development Director, 355-1842 or behreth@bismarcknd.gov



Community Development Department

DATE: April 22, 2020
FROM: Ben Ehreth, AICP, Community Development Director
ITEM: Approval of CDBG Citizen Participation Plan Amendment

REQUEST

Consider approval of the 2020 Citizen Participation Plan Amendment.

Please place this item on the April 28, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

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

Per the HUD Mega-Waiver issued March 31, 2020, the Citizen Participation Plan will undergo expedited procedures in times of public health emergencies or disasters to draft or amend consolidated plans and citizen participation plans.

RECOMMENDED CITY COMMISSION ACTION

Consider request for approval of CDBG Citizen Participation Plan amendment.

STAFF CONTACT INFORMATION

Ben Ehreth, AICP | Community Development Director, 355-1842 or behreth@bismarcknd.gov

Kim L. Lee, AICP | Planning Manager, 355-1846 or klee@bismarcknd.gov

Jenna Corsiatto | Planner, 355-1847 or jcorsiatto@bismarcknd.gov

City of Bismarck

Draft Citizen Participation Plan

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

Purpose of the Citizen Participation Plan

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

Background

The City of Bismarck became an entitlement jurisdiction in 1990 for the CDBG program. As an entitlement jurisdiction, the City receives CDBG funding directly from HUD and administers the grant, including ensuring the funds are used according to the Code of Federal Regulations (CFR) and the associated plans, reports and certifications are completed on time and accurately.

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

HUD requires an entitlement jurisdiction to submit an Annual Action Plan each year to receive the CDBG funding (24 CFR § 91.15). The Annual Action Plan serves as the City's application to HUD for the following year's CDBG funding and includes the projects that the entitlement jurisdiction desires to fund. The Plan also outlines the tasks and objectives that will be accomplished during the program year and includes sections that describe the public participation process, how other resources will be leveraged, and how the City plans to address barriers to affordable housing, fair housing and homelessness. The City's CDBG program year begins June 1 and ends May 31.

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

The City of Bismarck also receives HOME Investment Partnerships Program (HOME) funds through the State of North Dakota. The citizen participation requirements for the HOME funds are outlined under the North Dakota Department of Commerce's Citizen Participation Plan and all public participation is conducted through this lead agency.

Contact

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

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

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

Public Participation

The City of Bismarck strives to involve citizens, public agencies, and other impacted parties in the process of setting priorities for the use of CDBG funds and identifying community needs. Since the national objectives of the grant are to benefit low and moderate income persons, prevent or eliminate slums or blight, or meet an urgent community need, emphasis is placed on involving low and moderate income people, particularly those living in areas where CDBG funds are proposed to be used. Also, the City encourages participation from organizations that provide services to residents, especially those focused on the needs of the homeless, people with disabilities, veterans, the elderly, and youth. However, the City invites any interested parties to attend community meetings on CDBG and makes available the Consolidated Plan, Annual Action Plan, CAPER and any substantial amendment to these Plans before the City submits these documents to HUD.

Community Meetings

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

Public Comment Period

- a. The City will hold a 30-day public comment period for the Consolidated Plan, Annual Action Plan and any substantial amendment(s) to these plans.
- b. For the CAPER, the City will hold a public comment period of not less than 15 days to receive comments from citizens on this report.
- c. The City will consider any comments or views of citizens received in writing or orally during the public comment period in the preparation of the Plans, reports and substantial amendments.

Public Hearings

- a. Bismarck will hold a minimum of two public hearings during each funding year, per 24 CFR § 91.105. The hearings will be held at two different stages of the program year and together, the hearings will address housing and community development needs, development of proposed activities, and review of program performance.
- b. The City will hold one public hearing to obtain the views of citizens on the proposed Consolidated Plan or Annual Action Plan (24 CFR § 91.105). This hearing will be held after the public comment period. The second public hearing could be held for a substantial amendment or for the CAPER. Other public hearings may be held, as necessary. There will be a public comment period before each of these public hearings.
- c. A summary of the comments received during the public comment period and at public hearings will be summarized and attached to the strategic plans and reports. The comments could influence the City to adjust the priorities or projects in the current or future Consolidated Plan or Annual Action Plan. Any adjustments would be approved by the City Commission.
- d. All public hearings will be held at a location that is accessible to persons with disabilities and to public transportation.
- e. If residents require special assistance for public hearings, they should contact the Community Development Department – Planning Division at 701-355-1840 during operating hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. at least one business day in advance of the scheduled public hearing.
- f. Auxiliary aids and services are available upon request to individuals with disabilities or limited English proficiency using TTY/TTD equipment via TDD/TTY via 711/TDD, the ND Relay Service at 1-800-366-6888/TTY or 1-800-435-8590/Spanish.
- g. The Community Development Department will make every reasonable effort to publish notice of public hearings in the official newspaper of the City of Bismarck, at least fifteen days in advance.

Notice of Public Hearings and Community Meetings

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

- a. Notice of all public comment periods will be published as advertisements in the official newspaper of the City of Bismarck, beginning on or prior to the first day of the public comment period. The public hearing date, time and location will be listed in the newspaper notice with the public comment period. The public hearing will also be posted on the City's website (<https://www.bismarcknd.gov/>).
- b. Whenever reasonable, every attempt will be made to give fifteen days' notice will prior to a public hearing.
- c. Information that may be reviewed at community meetings and public hearings includes, but is not limited to:
 - i. Amount of grant funding and program income anticipated in the coming year.
 - ii. Range of activities that may be undertaken.
 - iii. Estimated amount of grant funding and program income proposed to be used for activities that will benefit low and moderate income persons.
 - iv. Any proposed activities likely to result in displacement and the City of Bismarck's plan for minimizing displacement.

Application Process for CDBG-Eligible Organizations

- a. The City will accept applications annually from CDBG-eligible organizations, including housing service providers, nonprofit organizations, and City departments. Information on the process will be available at <https://www.bismarcknd.gov/>. The timeframe for intake of applications will be emailed to eligible agencies that have requested the information and posted on the City's website and/or in the official newspaper of the City of Bismarck. The City also has the option to solicit additional applications in the event that more funding becomes available or it is determined that additional projects are necessary to meet the community needs.
- b. Applications or a summary of projects may be placed on the City's website during the public comment period.
- c. City staff may conduct an application workshop and/or provide technical assistance to allow applicants to ask specific questions about the grant or potential projects.
- d. Applicants may request one-on-one technical assistance session with City CDBG staff. The City will make a good faith effort to see that reasonable requests for technical assistance are responded to in a timely manner. Reasonable requests are those made more than a week in advance of the application deadline and are requests referring to assistance with completing the application.

Substantial Amendment to the Consolidated or Annual Action Plans

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

- a. A change in the allocation priorities or goals identified in the Consolidated Plan; or
- b. A change in the method of distributing funds (i.e. application process, selection criteria for projects, etc.); or
- c. A proposed new project for the program year; or
- d. A change in the purpose, scope, location, or type of beneficiaries of a project to such an extent that it can no longer reasonably be construed as the activity reviewed by the public and approved by the City Commission.

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

Amendment

Expedited Procedures in Times of Public Health Emergencies or Disasters as Defined by the Department of Housing and Urban Development to Draft or Amend Consolidated Plans and Citizen Participation Plans

In response to the COVID-19 Pandemic, the City of Bismarck is amending its Citizen Participation Plan, to promote and support "social distancing" while continuing to offer the public an opportunity to provide valuable citizen input and insight into the policies, and procedures of the Planning Department, particularly as it relates to the administration and implementation of its federal programs. The following process will be used to solicit citizen participation and input into any programmatic amendments necessary to quickly and effectively administer federal funding made available either directly or indirectly as a result of the COVID19 Pandemic.

Effective April 28, 2020, consistent with the Mega-Waiver issued by HUD on March 31, 2020, and for a period ending June 30, 2021, community input prior to drafting a substantial amendment to any plan will be waived, including but not limited to an approved consolidated plan or annual action plan concerning the proposed uses of CDBG and HOME funds.

Staff will prepare an amendment to any respective plan, where applicable, and the amendment shall include a discussion of the amount of assistance the City expects to receive, the range of activities it will undertake with this assistance, and, to the extent possible, the benefit to low and moderate income people of these proposed activities.

The Amendment will be posted in a prominent place on the Planning Department's website, along with a notice identifying the availability of the amendment. The Notice will include the opportunity to provide electronic comment for a period of not less than five days and information on participation in a "virtual public hearing". As part of the Notice, the City will provide information on how citizens who have special needs may obtain the Amendment in a form which is accessible to them.

Such Notice will be published in a newspaper of general circulation.

Any comments received, either at the virtual public hearing or during the public comment period will be considered by the City before the final amended action plan is submitted to HUD. A summary of the comments and the City's responses will be an attachment to the final amended action plan.

The procedures and actions discussed above will constitute the City's citizen participation plan for any substantial amendments, which may need to be made in the course of the program year. A "substantial amendment" to the plan is one which implements a change the use and/or method of distributing those funds.

This amended Citizen Participation Plan will itself be made available to the public for a five-day public comment period prior to implementation, and any interest groups may review and comment accordingly

Public Access to Records

The City of Bismarck will provide all interested parties with reasonable and timely access to information and records related to the City's CDBG program. The current Plans and CAPER will be posted online at <https://www.bismarcknd.gov/>.

Complaints and Grievances

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

- a. Citizens should bring any concerns they may have regarding the CDBG program, Plans, policies or projects to the attention of the City of Bismarck, Community Development Department – Planning Division, 701-355-1840, planning@bismarcknd.gov.
- b. Unresolved issues, complaints, or grievances may be formally submitted to the City Administrator. The grievance and/or request must be in writing and legible; typed correspondence is strongly urged.
 - i. The letter/email must be signed, dated, and indicate if the correspondent is representing his/her personal concerns or those of a larger group, in which case, the name and description of the group must be stated.
 - ii. The letter/email must contain contact information including the person or organization's name, address, phone number, email address, and, if the organization has a fax, the fax number.
 - iii. The letter/email must clearly identify the specific complaint or grievance and should state what corrective action is being sought.

- iv. b. Unresolved issues, complaints, or grievances may be formally submitted to the City Administrator. The grievance and/or request must be in writing and legible; typed correspondence is strongly urged.
- c. It is anticipated that most concerns can be addressed through direct conversation. Should a written response be requested, the City will provide timely written answers to letters/emails that follow the guidelines listed in (b) above. The time required to respond may vary depending upon the nature and complexity of the specific complaint. Where practicable, written answers will be provided within 15 working days of the receipt of the written complaint.

Certifying Officers

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

The Mayor can delegate the administrative authority to the department heads in certain matters, to ensure the smooth and timely flow of information and documentation within and between the City, its employees, applicants for employment, contractors, suppliers, and outside service providers. In an effort to ensure the City meets the timing requirements of the CDBG program, the Mayor may direct the City Administrator or the Community Development Director to sign CDBG forms and documents on behalf of Mayor. For example, administrative forms and certification will be signed by the Community Development Director.

Effective Date and Amendments

1. This City of Bismarck Citizen Participation Plan was approved on February 11, 2020 by the Bismarck City Commission. The Plan may be amended as necessary. It is recommended that this Plan is reviewed when creating a new Consolidated Plan.
2. An Administrative Amendment to this Citizen Participation Plan was proposed to be added on April 28, 2020. This amendment clarifies temporary processes and procedures in due to HUD regulatory updates.



Community Development Department

DATE: April 21, 2020
FROM: Ben Ehreth, AICP, Community Development Director
ITEM: Contract Agreement 2020 Historic Preservation Fund Grant Award

REQUEST

The City of Bismarck has been awarded a 2020 Historic Preservation Grant to be used to cover costs to conduct an historical survey of Highland Acres and staff attendance at a national Historic Preservation Conference training. City Commission approval of the contract agreement is requested.

Please place this item on the March 28, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The total grant awarded was \$40,800, with \$30,585 being provided through in-kind match from staff and Historic Preservation Commissioner's donated time. No funding from the City of Bismarck will be necessary. See attached breakdown of the funding award.

The award and the scope of the grant activities is significantly different than the submitted application. Previously, the City submitted a grant application to cover the costs of the historical survey of Highland Acres under a different grant funding program. That grant application was not awarded, but the proposed activity was transferred to this Historic Preservation Fund application at the recommendation of the State Historic Preservation Office, and the Highland Acres project was awarded funding under this funding source along with the staff training at a national Historic Preservation Conference.

The award of this grant will ensure that the historic survey of Highland Acres will be conducted to determine its eligibility as a National Register of Historic Places Historic District. Funds will be used to hire a qualified consultant firm to conduct an historic survey to inventory and document all properties within the identified boundaries of the neighborhood. Staff is developing a request for proposals to find and hire a qualified professional to complete the historic survey documentation.

RECOMMENDED CITY COMMISSION ACTION

Approve the Contract Agreement for 2020 Historic Preservation Funds.

STAFF CONTACT INFORMATION

Ben Ehreth, AICP | Community Development Director, 355-1842 or behreth@bismarcknd.gov

Kim L. Lee, AICP | Planning Manager, 355-1846 or klee@bismarcknd.gov

Will Hutchings | Planner, 355-1850 or whutchings@bismarcknd.gov

Bismarck CLG
2020
Funded Budget

Administrative Budget			
	Match	Federal	Total
Coordinator's Salary	\$3,385		\$3,385
HPC Donated Labor			
Administrative Total	\$3,385	\$0	\$3,385

Highland Acres Survey			
	Match	Federal	Total
Highland Acres - Core Area	\$25,333	\$38,000	\$63,333
HPC Donated Labor			
TOTAL	\$25,333	\$38,000	\$63,333

Travel			
	Match	Federal	Total
National Conference		\$2,800	\$2,800
HPC Donated Labor	\$1,867		\$1,867
Education Total	\$1,867	\$2,800	\$4,667

	Match	Federal	Total
Grant Totals	\$30,585	\$40,800	\$71,385

40% Minimum Required Match	\$27,200	\$40,800	\$68,000
----------------------------	----------	----------	----------



Community Development Department

DATE: April 21, 2020
FROM: Ben Ehreth, Community Development Director
ITEM: Decommission and Disposal of Transit Bus 601

REQUEST

Bis-Man Transit requests permission to decommission and dispose of one (1) fixed-route bus, #601.

Please place this item on the April 28, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Transit bus #601, VIN 15GGE291161091122, a 2006 Gillig with 572,814 miles on it, was involved in a collision on January 3, 2020. The bus had already exceeded its useful life of 10 years or 350,000 miles.

North Dakota Insurance Reserve Fund (NDRF) declared the vehicle totaled after assessing the damage sustained in the collision. NDRF will pay Bis-Man Transit \$8,000 for the vehicle. These funds will be used to assist with funding a replacement vehicle purchase.

The Bis-Man Transit Board, at their meeting April 2, 2020, recommended approval of the request to decommission bus #601 as it is no longer able to be used in service.

RECOMMENDED CITY COMMISSION ACTION

Approval of the request by Bis-Man Transit to decommission and dispose of bus #601.

STAFF CONTACT INFORMATION

Ben Ehreth, AICP | Community Development Director, 355-1842 or behreth@bismarcknd.gov

Steve Saunders | MPO Executive Director, 355-1848 or ssaunders@bismarcknd.gov

Kim Riepl | Transportation Specialist, 355-1844 or kriepl@bismarcknd.gov



MEMO

April 2, 2020

TO: Bis-Man Transit Board of Directors

FROM: Deidre Hughes, Marketing and Administrative Manager

SUBJECT: Request for Decommission and Disposal of Bus 601

RECOMENDATION: We are recommending the approval for the request to decommission and dispose of CAT Bus 601.

BACKGROUND:

Bus 601 - 15GGE291161091122

Mileage - 572,814

DISCUSSION: Buses 601 has exceeded useful life of 10 years or 350,000 miles. This bus was totaled out by NDIRF due to a collision. We would like to decommission and dispose of this vehicle as it is no longer able to be used in service.

FINANCIAL IMPACT: Bis-Man Transit will be paid out \$8000 for the vehicle from NDIRF which will need to be used for funding another vehicle purchase.



Engineering Department

DATE: April 21, 2020

FROM: Gabe Schell, City Engineer

ITEM: Interstate 94 – Exit 161 (Centennial Road/Bismarck Expressway)

Interchange Reconstruction (HC 131)

REQUEST

Consider approval of North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The NDDOT is pursuing the reconstruction of Interstate 94 Exit 161 (Centennial Road/Bismarck Expressway) interchange as part of project IM-1-094(212)161, PCN 22648, City project HC 131. A field review kick off meeting was held at NDDOT on February 24, 2020. At this point in project development, the NDDOT requests the City enter into a preliminary engineering reimbursement agreement. The City does not have a financial responsibility in any of the preliminary engineering NDDOT or its consultant are currently performing. There may be a financial responsibility for construction of the project but that would be subject to the environmental process under way and ultimately the decisions made on the project by NDDOT and the City at a later date.

The purpose of the preliminary engineering reimbursement agreement is to secure the City's participation in the process and agree to pay back the NDDOT the engineering costs if the City unilaterally and voluntarily terminates the agreement. This is a process the NDDOT uses to protect the agency from a local political subdivision potentially backing out of a project. While it is within the rights of the political subdivision to do so, they would have to reimburse the NDDOT for the engineering work that has been completed on the project to date.

RECOMMENDED CITY COMMISSION ACTION

Approve NDDOT Preliminary Engineering Reimbursement Agreement for Interstate 94-Exit 161 reconstruction.

STAFF CONTACT INFORMATION

Gabe Schell, PE, City Engineer, 355-1505, gschell@bismarcknd.gov

**North Dakota Department of Transportation
PRELIMINARY ENGINEERING REIMBURSEMENT AGREEMENT**

This agreement is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and city of Bismarck, North Dakota, hereinafter referred to as the City.

WHEREAS, the City has requested that NDDOT proceed with project development activities for the reconstruction of the Exit 161 interchange in Bismarck, IM-1-094(212)161, PCN 22648; and;

WHEREAS, the City requests that the project be designed in accordance with Attachment A, attached hereto and incorporated by reference.

NOW, THEREFORE, it is agreed that NDDOT will take all necessary steps to design and construct the project in accordance with the Environmental Document and plans approved by the City, and schedule a bid opening at such time as funding and plan completion allows.

The City agrees that should it unilaterally and voluntarily terminate this agreement by whatever means or action, it shall reimburse NDDOT for any and all costs it has incurred for engineering services under this agreement.

The City further agrees that should it request or otherwise cause a material alteration to, or a reduction of the scope of the project, it shall reimburse NDDOT for any and all costs it has incurred for engineering services under this agreement.

In the event the City fails to reimburse NDDOT, such failure shall constitute an assignment of funds, derived from the State Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the City, and that the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the City until the total thereof equals the sum billed pursuant to this agreement.

Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.

The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.



Executed by the city of Bismarck, at Bismarck, North Dakota, the last date below signed.

APPROVED:

CITY ATTORNEY (TYPE OR PRINT)

City of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

ATTEST:

CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota, the last date below signed.

APPROVED as to substance by:

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

DIRECTOR (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

DATE

*Mayor or President City Commission

CLA 17057 (Div. 38)
L.D. Approved 7-17-89; 08-18



**North Dakota Department of Transportation
AUTHORIZATION**

At a _____ meeting held on the ____ day of _____ 20____, it was moved by _____ and seconded by _____ that the attached agreement be approved and that the * and city auditor be authorized to execute in behalf of the city of _____ and that two executed copies be returned to the North Dakota Department of Transportation Director.

Adopted on a vote of _____ aye, _____ nay, _____ absent.

ATTEST:

APPROVED:

CITY AUDITOR (TYPE OR PRINT)

City of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

*Mayor or President City Commission



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX E OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes nondiscrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



Risk Management Appendix

Routine* Service Agreements With Sovereign Entities and Political Subdivisions of the State of North Dakota:

Parties: **State** – State of North Dakota, its agencies, officers and employees

Governmental Entity – The Governmental Entity executing the attached document, its agencies, officers and employees

Governments – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability** insurance – minimum limits of liability required of the Governmental Entity are **\$250,000 per person** and **\$500,000 per occurrence**. The minimum limits of liability required of the State are **\$250,000 per person** and **\$1,000,000 per occurrence**.
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. The Governments shall have all the benefits, rights and coverages of an additional insured under these policies that shall not be limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of the Contractor. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007
Revised 11-19



MEMO TO: Michael Johnson
Local Government Division

FROM: Darell Arne (Design Division - Project Manager)
Brian Raschke (Bridge Division)

DATE: April 16, 2020

SUBJECT: NDDOT Scope of Work for Project IM-1-094(212)161, PCN 22648.

The NDDOT will provide overall project management for this project by utilizing a designated Project Manager. This will involve coordinating with all needed representatives from the NDDOT, City of Bismarck, FHWA, as well as stakeholders.

The NDDOT will complete the Environmental Document for this project to comply with NEPA. To start this process, the NDDOT will begin the public outreach process by sending out Solicitation of View (SOV) letters. After the consultant completes the Traffic Operations Report, the NDDOT will hold a Management Presentation. The NDDOT may hold a business owner meeting prior to completing and signing a Decision Document with the proposed interchange alternative(s). The NDDOT will hold a Public Input Meeting to get comments from all stakeholders regarding the proposed alternative(s) that were advanced. During the environmental stage, the NDDOT will complete many different field studies and/or reports. These field studies and/or reports include the wetland delineation, section 106 process for cultural resources, and the endangered species act consultation. The NDDOT will incorporate all field studies and/or reports, including the consultant completed noise analysis, into the environmental document. Based on which build alternative(s) is/are chosen in the decision document the NDDOT will prepare a Work Zone Safety and Mobility document, with help on the work zone traffic analysis from the consultant, while following the guidelines set forth by the Work Zone Safety and Mobility Program. All the above-mentioned work will be incorporated into the environmental document so the NDDOT can obtain a CATEX.

The NDDOT will complete all of the design work for this project and everything needed to complete both the roadway and bridge designs. This will include all survey needed to put together a set of plans. If right of way is needed, the NDDOT will complete the right of way plats and obtain the necessary right of way from the adjacent landowners. Other tasks/reports the NDDOT will complete include roadway hydraulics, linear soil survey, slope stability, bridge soil borings, pavement design, and hot bituminous pavement mix recommendations. The NDDOT, with guidance from FHWA, will put together an Interstate Justification Report if the interstate connection ramps are modified due to the proposed build alternative. After the design has been completed, the NDDOT and the City of Bismarck will come into an agreement with the maintenance responsibilities and the cost participation responsibilities. This agreement will be drafted by the NDDOT and signed by both the NDDOT and the City of Bismarck.

The NDDOT will be utilizing a Public Information Coordinator (PIC) to reach out to the public to give them information regarding the upcoming Exit 161 project. The PIC will be used from the environmental stage all the way through the construction stage.

Attached, the NDDOT milestone dates can be found.

PROJECT: IM-1-094(212)161 CENTENNIAL RD/BIS EXP INTERCHANGE TYPE OF IMPROVEMENT: RECONSTRUCTION
 PCN: 22648 PROJECT LENGTH: 0.0000 FHWA INTERACTION: LIMIT
 PROJECT COMPLETE DATE: 09/01/2023 BID OPENING DATE: 01/01/2024
 TYPES OF WORK: GRADE AGGREGATE BASE PCC PAVEMENT
 WIDENING SIGNALS STRUCTURAL AND INCIDENTALS

EST. #	PROJECTED START	ACTUAL END	PROJECTED END	SEQ #	ACTIVITY/TASK	DIVISION	NON-DOT ENTITY
0		09/12/2019	09/12/2019	3	MILESTONE COMMITTEE REVIEW	PROGRAMMING	
0		09/30/2019	11/01/2019	20	TRAFFIC DATA	PLANNING & PROGRAMMING	
0			07/01/2020	60	DISTRICT TO GET CORE SAMPLE	BISMARCK DISTRICT	
0			08/01/2020	70	MILESTONE CORE ANALYSIS	MATERIALS & RESEARCH	
0	02/24/2020		01/15/2020	130	FIELD REVIEW	DESIGN	
0	03/09/2020		03/01/2020	160	SOLICITATION OF VIEWS SENT OUT LETTERS 1, 4, 6, 7, & 8. LETTER 3 WAS NOT NEEDED SINCE IT IS WITHIN CITY LIMITS	DESIGN	
0			06/01/2020	190	MANAGEMENT PRESENTATION	DESIGN	
0			01/01/2021	205	PUBLIC INPUT MEETING	DESIGN	
0			05/01/2020	250	TRAFFIC OPERATIONS PRELIM. INFO. FOR MGMT. PRESENT. 06/01/20	PROGRAMMING	CONSULTANT
0			08/01/2021	255	WORK ZONE SAFETY & MOBILITY	BISMARCK DISTRICT	
0			08/01/2020	257	DECISION DOCUMENT	DESIGN	
0			10/30/2020	267	PAVEMENT DESIGN DESIGNER: JON STORK	MATERIALS & RESEARCH	
0			09/01/2021	271	WETLAND DELINEATION-FIELD	ETS	
0			10/01/2021	273	WETLAND JURISDICTIONAL REQUEST	ETS	
0			11/01/2021	274	JURISDICTIONAL DETERMINATION	ETS	
0			11/01/2021	282	SECTION 106 COMPLIANCE(CULTURAL RESOURC	ETS	
0			11/01/2021	289	ENDANGERED SPECIES ACT CONSULTATION	ETS	
0			11/01/2021	298	NOISE ANALYSIS	ETS	CONSULTANT
0			12/01/2021	304	DRAFT DOCUMENTED CATEX	DESIGN	
0			03/01/2022	312	INTERSTATE SYSTEM ACCESS CHANGE REQUEST	DESIGN	
0			01/01/2022	314	DOCUMENTED CATEX	DESIGN	
0			02/01/2022	320	CATEGORICAL EXCLUSION	ETS	
0	09/19/2019		09/12/2019	330	ASSIGN PROJECT DESIGNER	DESIGN	
0			01/01/2021	510	AERIAL SURVEY MOSAIC BY 11/15/19	DESIGN	
0			01/01/2021	515	SURVEY TRANSMITTAL	DESIGN	
0			01/11/2022	550	PRELIMINARY UTILITY COORDINATION	DESIGN	CONSULTANT
0			10/01/2022	551	PRELIMINARY UTILITY ENGINEERING	DESIGN	CONSULTANT
0			02/01/2020	552	PRELIMINARY ENGINEERING (PE) AGREEMENT	LOCAL GOVERNMENT	
0			04/15/2023	562	ROADWAY HYDRAULICS	BRIDGE	
0			01/01/2022	565	LINEAR SOIL SURVEY	MATERIALS & RESEARCH	
0			01/01/2022	566	SLOPE STABILITY	MATERIALS & RESEARCH	
0			01/01/2022	595	BRIDGE SOIL BORINGS	MATERIALS & RESEARCH	
0			05/15/2023	610	BRIDGE DESIGN	BRIDGE	
0			06/15/2023	620	BRIDGE PLAN PREPARATION	BRIDGE	
0			01/01/2023	625	HBP MIX RECOMMENDATIONS	MATERIALS & RESEARCH	
0			09/01/2022	655	DESIGN RIGHT OF WAY LIMITS	DESIGN	
0			10/01/2022	660	ABSTRACTS/TITLE INFORMATION	ETS	
0			11/15/2022	671	RIGHT OF WAY PLATS PRELIMINARY TO	ETS	
0						DESIGN	

PROJECT: IM-1-094(212)161 CENTENNIAL RD/BIS EXP INTERCHANGE TYPE OF IMPROVEMENT: RECONSTRUCTION
 PCN: 22648 PROJECT LENGTH: 0.0000 FHWA INTERACTION: LIMIT
 PROJECT COMPLETE DATE: 09/01/2023 BID OPENING DATE: 01/01/2024
 TYPES OF WORK: GRADE AGGREGATE BASE PCC PAVEMENT
 WIDENING SIGNALS STRUCTURAL AND INCIDENTALS

EST. #	PROJECTED DAYS	PROJECTED START	ACTUAL END	PROJECTED END	SEQ #	ACTIVITY/TASK	DIVISION	NON-DOT ENTITY
0				11/15/2022	699	RIGHT OF WAY COST	ETS	
0				12/01/2022	700	RIGHT OF WAY AUTHORIZATION	ETS	
0				03/01/2023	715	APPRAISAL	ETS	
0				06/01/2023	750	BORROW INVESTIGATION	MATERIALS & RESEARCH	
0				06/01/2023	751	SECTION 404 AND WETLAND INFORMATION	DESIGN	
0				08/15/2023	754	SECTION 404 PERMIT	ETS	
0				08/27/2022	819	PRELIMINARY PLAN REVIEW	DESIGN	
0				07/15/2023	820	PLANS IN HAND FIELD INSPECTION	DESIGN	
0				07/15/2023	821	ITS CHECKLIST	MAINTENANCE & ENGINEERING	
0				09/01/2023	828	PLAN COMPLETION DATE	DESIGN	
0				09/01/2023	829	RIGHT OF WAY PLATS FINAL	DESIGN	
0				02/01/2023	830	UTILITY CONFLICT PLANS	DESIGN	
0				09/01/2023	865	ACQUISITION	ETS	
0				09/01/2023	870	PROJECT COMPLETION	DESIGN	
0				01/01/2024	891	RIGHT OF WAY PLATS RECORDED	ETS	
0				07/15/2023	893	CPM INFO TO LOCAL GOVT	DESIGN	
0				10/01/2023	895	COST MAINTENANCE AGREEMENT	LOCAL GOVERNMENT	



APPENDIX A
February 4, 2020
Phase I - Traffic Operations Study,
Work Zone Traffic Analysis, and Noise Analysis
Scope of Services
1-094(212)161, PCN 22648
Centennial Rd/Bis Exp Interchange

PURPOSE

The purpose of this appendix is to describe the scope of services and responsibilities required to complete the traffic operations report, work zone traffic analysis, and noise analysis. The project limits are Centennial Road/Bismarck Expressway from East Century Avenue to East Divide Avenue.

The following assumptions were made in preparing the scope of services:

Traffic Operations Report

The Traffic Operations Analysis will be developed in accordance with the NDDOT Traffic Operations Manual along with the following items:

- Review of the existing conditions utilizing the Bismarck/Mandan MPO traffic projections and traffic model which was completed by Advanced Traffic Analysis Center (ATAC).
- Analyze permanent alternatives for the interchange to reduce queue lengths and to perform at an acceptable level of service based on future traffic volumes and developments.
- Identify secondary impacts within Bismarck caused by traffic control during construction.
- Interchange traffic model simulation for existing conditions as well as a traffic model for all alternatives considered using existing and proposed traffic.
- Existing and planned pedestrian accommodations and/or bike routes

NDDOT will prepare a Decisions Document to coincide with the Draft Traffic Operations Report to determine the number of alternatives to carry forward into the environmental document.

Work Zone Traffic Analysis

A work zone traffic analysis will be completed for this project for up to two (2) alternatives. The work zone traffic analysis will be used in the final Work Zone Safety and Mobility document that will be completed by the NDDOT by 8/1/2021. After proposed alternatives are selected, the work zone traffic analysis will determine the existing Level of Service (LOS) and existing traffic delays as well as the expected LOS and expected traffic delays. There may be multiple iterations based on the Work Zone Safety and Mobility team members recommendations. Traffic model simulations will be prepared for this task.

Highway Traffic Noise Analysis

A highway traffic noise analysis, including a draft and final report, will be prepared for this project for up to two (2) alternatives.

PCN 22648

KLJ 1902-02125

Page 1 of 6



SERVICES TO BE PERFORMED BY KLJ

1.1 PROJECT MANAGEMENT

Project Management & Coordination

KLJ will manage the project and provide overall coordination of the work completed by the planning and design team. This work shall consist of managing work assignments, internal team meetings, client coordination, project budget and schedule.

Progress Reports (Bi-weekly updates) (Est. 25 Updates)

KLJ shall submit a biweekly status report via email to the NDDOT Technical Representative and the City of Bismarck which will summarize the work performed in the current period, upcoming activities in the next period, summary of project decisions and potential out of scope work activities. The reports shall include percent complete for key project activities. The status report shall also identify any milestone activity that is not completed or anticipated not to be completed on time. The report shall include the reasons why any milestone date was missed and what actions will be taken to get the project back on schedule.

Team Meetings (2 Meetings Estimated)

The KLJ project team will meet with representatives from the NDDOT and City of Bismarck to discuss design and planning issues, scheduling, progress and for coordination. There will be a maximum of 2 meetings during the project.

1.2 TRAFFIC OPERATIONS

The objective of the traffic operations report is to provide a range of feasible alternatives designed to mitigate traffic operational and safety needs of the Exit 161 interchange. The key items in the traffic operations report are data collection, existing conditions assessment, future conditions assessment, alternatives development and assessment, report and presentation of findings.

The duration of this task will take five months from notice to proceed to draft report, with an additional 3 weeks to translate comments into a final report.

1.2.1 Data Collection

Turning Movement Counts

KLJ will collect 12 hour turning movement counts that will count vehicular traffic, pedestrian and bicycle traffic and heavy vehicles. Counts will be collected at the following intersections:

- Centennial Road and East Century Avenue (*NDDOT to provide 2019 MioVision Counts*)
- Centennial Road and Chatham Drive
- Centennial Road and Trenton Drive
- Centennial Road and I-94 North Ramps (*NDDOT to provide 2019 MioVision Counts*)
- Bismarck Expressway and I-94 South Ramps (*NDDOT to provide 2019 MioVision Counts*)
- Bismarck Expressway and Miriam Avenue (*NDDOT to provide 2019 MioVision Counts*)
- Bismarck Expressway and Divide Avenue



Data Requests

KLJ will request the following information from NDDOT;

- Mainline I-94 traffic volume, distribution and composition information from 2019 counts
- MioVision Counts as noted
- Five years of crash data
- Signal timing data

1.2.2 Existing Conditions Assessment

Traffic Operations and Capacity Analysis

KLJ will use Vissim microsimulation modeling tool to model the entire study area including the ramp intersections with mainline I-94. KLJ will simulate traffic over a 12-hour period and analyze the following measures of effectiveness; intersection level of service and delay per vehicle, ramp densities, corridor travel times and network-wide delay per vehicle.

Safety Analysis

KLJ will review the past five years of crash data to evaluate crash rates and trends. KLJ will also use the Vissim model to assess conflict points to understand latent safety issues.

Infrastructure Assessment

KLJ will analyze the following areas for potential deficiencies or areas of opportunity:

- Pedestrian and bicycle facilities and crossings
- Roadway and bridge conditions
- Lighting

1.2.3 Future Conditions Assessment

Future traffic Operations and Safety Analysis

KLJ will model and analyze 12 hours of traffic operations, capacity analysis and conflict potential of No Build interchange configuration under the following scenarios. Traffic forecasts will be based on the Bismarck-Mandan's travel demand model developed as part of the most recent Metropolitan Transportation Plan (MTP).

- 2030 Traffic Operations. This scenario will include all planned and programmed improvements included in the MTP through this timeframe.
- 2045 Conditions. This scenario will include all planned and programmed improvements included in the MTP through this timeframe.
- 2045 Sensitivity Scenario. This scenario will include all planned and programmed improvements included in the MTP through this timeframe. This scenario will also include the 66th Street interchange to understand how traffic patterns will change with this concept.

KLJ did not budget for any major changes to data inputs but can do so through amendment to the contract.



1.2.4 Alternative Assessment

Macro-Level Alternative Assessment

KLJ will utilize FHWA's CAP-X Spreadsheet tool and engineering judgment to identify up to 10 concepts to evaluate in the macro-level alternative assessment. Concepts will then be analyzed using the Synchro and Simtraffic traffic modeling tools. These models are less sophisticated than microsimulation tools that will be used in more detailed subsequent micro-level analyses but are an effective way to evaluate alternatives at a more conceptual level. A preliminary assessment of feasible concepts includes;

1. Widening Only
2. Loop Ramps
3. Shifted Alignment with Loop Ramps
4. Displaced Loop Ramp Configuration
5. Single Point Urban Interchange
6. Shifted and Modified Single Point Urban Interchange
7. Diverging Diamond Interchange
8. Contraflow Left-Turn Interchange

Budget for two others has been included for later brainstorming or comments from NDDOT.

As part of this task, no detailed layouts or cost estimates will be developed. CADD centerlines will be developed to understand potential high-level impacts and alignments of concepts to estimate generalized costs and impacts. This assessment will allow the study team to eliminate concepts with fatal flaws and identify best fit concepts. Fatal flaws will be more specifically defined in the report but will focus on major property and environmental impacts. Specific concepts expected to be diagnosed in this section will be loop ramps and their potential impacts. The purpose of this task is to merely identify concepts that will not work at this location to avoid unnecessary efforts later.

Micro-Level Alternative Assessment

KLJ will use the results from the Macro-Level Alternative Assessment to identify five concepts to analyze in the Micro-Level Alternative Assessment. This task will include development of 12-hour existing, 2030 and 2045 Vissim microsimulation models and a two-dimensional CADD drawing to facilitate effective modeling practices and allow for an assessment of impacts and develop cost estimates.

- Mainline Operations: Based on Vissim density outputs at each on and off-ramp connection with I-94.
- Arterial Operations: Based on Vissim intersection delay and level of service and corridor travel times and delay per vehicle.
- Safety: Based on Vissim conflict assessment.
- Cost: based on two-dimensional CADD layouts.
- Impacts: based on two-dimensional CADD layouts.
- Constructability: based on an assessment of potential challenges with the construction process.
- Pedestrian and Bicycle Amenities: based on an assessment of pedestrian and bicycle accommodations.
- Benefit/Cost Analysis: based on a combination of operations, safety and cost benefits and impacts.



KLJ will assess and score each built alternative. KLJ has budgeted time to alter and refine proposed concepts and add up to one additional concept for analysis.

1.2.5 Deliverables

Draft Report

KLJ will complete a draft report that will summarize the following activities; Data Collection, Existing Conditions Assessment, Future Conditions Assessment and Alternatives Analysis. The draft report will include all necessary appendices for a complete review of analyses. This report will be submitted to NDDOT and the City of Bismarck. KLJ will prepare Vissim simulations of existing and future conditions for the proposed alternatives as part of this submittal.

Final Report

The final report will address NDDOT and City of Bismarck comments. The final report will also include the following additional items not included in the draft report;

- Executive Summary
- Ranking of Alternatives Based on Technical Criteria
- Detailed design inputs for up to five (5) alternatives including Lane Assignment and Turn Lane Lengths.

Revisions

KLJ has assumed that through the design process, NDDOT will ultimately have some revisions. KLJ has budgeted time to test three minor revisions (i.e. lane reconfigurations) of the recommended alternatives. This will be completed throughout the design process.

Signal Timing Plans

KLJ will develop up to four signal timing plans once the final design concept has been finalized. This is expected to occur later in the design process. Signal timing plans will not be provided in the Traffic Operations Report.

1.3 WORK ZONE TRAFFIC ANALYSIS

The objective of the Work Zone Traffic Analysis is to review up to two (2) potential build concepts to ensure that undue delays are not felt by the public during construction. This task will take 3 months from receiving the work zone concepts to completion of the draft Work Zone Traffic Study.

Work Zone Traffic Analysis Study

KLJ will analyze up to two (2) work zone traffic analysis concepts developed by NDDOT for up to two (2) build alternatives (4 total). KLJ will follow NDDOT Work Zone Safety and Mobility Program guidelines. This includes confirming that the proposed work zone or detour route does not degrade level of service by two grade or induce more than 15 minutes of additional delay. KLJ will use Microsimulation models to analyze proposed work zone concepts. KLJ will compile the report into a concise report with supporting appendices.

KLJ has assumed that that the interchange will remain in operations in some capacity throughout the duration of construction. If work zone concepts include detour routes or ramp closures, an amendment to the contract will be required to facilitate additional data collection and expand the study area.

PCN 22648

KLJ 1902-02125

Page 5 of 6



1.4 NOISE ANALYSIS

Noise Analysis & Report

KLJ will complete a noise analysis to determine potential traffic noise impacts. The noise analysis shall include the no-build and up to two (2) build alternatives and will be conducted in accordance with the Procedure for Abatement of Highway Traffic Noise and Construction Noise, FHWA Highway Traffic Noise Analysis and Abatement Policy Guidance, and NDDOT Noise Policy and Guidance. KLJ will complete a noise impact analysis for current and projected future (design year) traffic and will evaluate abatement reasonableness and feasibility, if needed. KLJ will prepare and submit a Draft and Final Noise Report.

This scope of work assumes that NDDOT will provide the following:

- Design year build alternatives
- CADD and/or shapefiles for all of the no-build and build alternative alignments, including any future shared-use path(s) (i.e., elevation contours, edge of pavements, lane lines, project extents)
- Speed limits (existing and future for main alignment and side streets)

DELIVERABLES PROVIDED BY KLJ

1. Progress reports at two (2) week intervals.
2. Agendas and minutes for all project meetings.
3. Draft and Final Traffic Operations Analysis & Report
4. Draft and Final Work Zone Traffic Analysis and Report
5. Draft and Final Noise Analysis Report

SCHEDULE

1. Traffic Operations - The duration of this task will take five months from notice to proceed to draft report, with an additional 3 weeks to translate comments into a final report. Estimated date of the *Draft Traffic Operations* is 6/30/20.
2. Work Zone Traffic Analysis and Report – *NDDOT Milestone Date 8/1/2021*
3. Noise Analysis Report – *NDDOT Milestone Date 11/1/2021*



Engineering Department

DATE: April 21, 2020

FROM: Gabe Schell, City Engineer

ITEM: 2020 Sunrise Trail – HC 118 (TAU-1-981(116), PCN 22262)

REQUEST

Request to Receive Bids and Award Contract for Bismarck Sunrise Trail (TAU-1-981(116), PCN 22262), HC 118.

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

On behalf of the Bismarck Parks and Recreation District (BPRD), on August 13, 2019, the City Commission approved a Cost Participation, Construction, and Maintenance Agreement (CPM) with the North Dakota Department of Transportation (NDDOT) for a project to construction a shared-use path in northeast Bismarck within the Sattler's Sunrise 8th and 9th Additions.

As per our standard practice, at the same time, the City entered into an agreement between the City of Bismarck and the BPRD. This Agreement obligates the BPRD to fulfill the responsibilities of the City under the terms of the NDDOT CPM, including the provision of the funding required for the local match and for all costs beyond the stated funding.

The engineer's estimate for constructing the shared-use path was \$224,478.50. On April 17, 2020, the NDDOT opened bids for HC 118 (TAU-1-981(116), PCN 22262). The low bidder was Northern Improvement Company in the amount of \$246,920.31. In accordance with the CPM, the local match is estimated at \$73,970.31.

The BPRD Board will be considering approval of the award to Northern Improvement Company at its May 21, 2020 meeting. If approved by both Boards, City Engineering

staff will notify the NDDOT so that they can concur with the award and contracts can be issued to the Contractor.

RECOMMENDED CITY COMMISSION ACTION

Approve award of contract to Northern Improvement Company for \$246,920.31 contingent upon approval of the BPRD Board.

STAFF CONTACT INFORMATION

Gabe Schell, PE | City Engineer, 355-1505 or gschell@bismarcknd.gov

PROJECT BUDGET

Number	HC 118	Description	Sunrise Shared-Use Path (TAU-1-981(116))
---------------	--------	--------------------	--

Scheduled Start		Scheduled End	
------------------------	--	----------------------	--

Project Contracts

<u>Project Construction Contracts</u>	<u>Amount</u>
Northern Improvement Company -----	\$246,920.31
Subtotal	246,920.31
Contingencies	-
Total Construction Contracts	246,920.31

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

<u>Work by Other City Departments</u>	<u>Amount</u>
Subtotal	-
*Contingencies	10%
Total Work by Other City Departments	-

SUMMARY

Construction Cost - No Contingencies **246,920.31**

TOTAL CONSTRUCTION COST WITH CONTINGENCIES **246,920.31**

Engineering	-----	PAID BY BPRD
Administration	-----	-
Advertising and Legal	-----	-
Interest During Construction	-----	-

HC 118 TOTAL PROJECT COST **246,920.31**

<u>Project Funding</u>	<u>Amount</u>
NDDOT funding -----	172,950.00
BPRD -----	73,970.31
Total Funding	246,920.31



Sunrise
Elementary
School

Proposed
Shared
Use Trail

Sunrise Park



Police Department

DATE: April 20, 2020
FROM: Jason Stugelmeyer, Deputy Chief of Police
ITEM: Approval to receive donations

REQUEST

Requesting the Commission's approval of donations received by the department during the COVID-19 pandemic.

Please place this item on the April 28, 2020 City Commission meeting agenda (consent agenda).

BACKGROUND INFORMATION

The Police Department has received an outpouring of support during the COVID-19 pandemic from both local businesses and citizens. Items donated include hand sanitizer, latex gloves, energy bars and drinks, coffee and various food items. The Police Department would like to thank the following individuals for their gracious donations; SalonCentric, Energy Loft, Girl Scout troop 83058, Caribou Coffee, Coffee Break, John and Loren Artz, Bismarck Motor Company, US Bank, Bismarck Heating and Air, Brick Oven Bakery, Mayor Bakken, and Country Financial.

RECOMMENDED CITY COMMISSION ACTION

Approval of the donations received.

STAFF CONTACT INFORMATION

Jason Stugelmeyer | Deputy Chief of Police, 223-1212 or jstugelmeyer@bismarcknd.gov



Public Works Service Operations Department

DATE: April 20, 2020

FROM: Jeff Heintz, Service Operations Director

ITEM: Award of bid for natural gas contract for 2020-21

REQUEST

Approve the bid for natural gas for the City of Bismarck.

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Natural gas supplies for the City/County Building, Public Works Building, and the Event Center are bid competitively for supplies provided for the City limits where they are then transported to the buildings by MDU. Bids were opened on Wednesday, April 15, 2020. Rainbow Gas Company was the sole bidder. After review of the bid tab and last year's pricing, I recommend to accept the bid and award the contract to Rainbow Gas Company as per the bid tab.

RECOMMENDED CITY COMMISSION ACTION

Approve the natural gas bid tab and award the contract to Rainbow Gas Company as follows: The price of the gas commodity for September 1, 2020 thru October 31, 2020 and April 1, 2021 thru August 31, 2021 will be inside FERC CIG Index minus \$0.30/MMBtu and November 1, 2020 thru March 31, 2021 will be a fixed price of \$2.05/MMBtu. In addition, on top of the gas price will be WBI's actual firm transportation rate plus fuel in percentage on WBI's pipeline at the time gas is delivered, which currently is \$0.36866 and 1.837% fuel per MMBtu.

STAFF CONTACT INFORMATION

Jeff Heintz | Service Operations Director, 355-1700 or jheintz@bismarcknd.gov

BID TABULATION - Natural Gas
 CITY OF BISMARCK PUBLIC WORKS
 Bids Opened April 15, 2020

Base Bid September 1, 2020 to August 31, 2021	Rainbow Gas Company
Fixed Price	
Sliding CIG Basis	Inside FERC CIG minus \$0.30/MMBtu*
Combination	Inside FERC CIG minus \$0.30/MMBtu*
Sliding CIG Index balance of term	\$2.05/MMBtu 11-1-2020 - 03-31-21. Balance of months @CIG minus \$0.30/MMBtu.*
Optional Year September 1, 2021 to August 31, 2022	
Fixed Price	
Sliding CIG Basis	Inside FERC CIG minus \$0.30/MMBtu*
Combination	Fixed pricing can be negotiated for 2020-21 winter at a later date. *

*On top of the gas price will be WBI Energy's alternate firm and fuel charges at the time gas is delivered.



NATURAL GAS SALES AGREEMENT

DATE: April 20, 2020

SELLER:

Rainbow Gas Company
919 S 7th St, Ste 405
Bismarck, ND 58504 5835

BUYER:

Bismarck City Administration
PO Box 5503
Bismarck, ND 58506 5503

Buyer and Seller have agreed as to the following terms and conditions for the sale of natural gas to the City of Bismarck, North Dakota for the following locations:

City/County Office Building ~ 221 North 5th Street
Bismarck Event Center ~ 315 S 5th Street
Public Works Building ~ 601 S 26th Street

VOLUME: Buyer shall take and Seller shall exert its best efforts to deliver hereunder 100% of Buyer's daily natural gas requirements at its location in Bismarck.

TERM: This contract begins September 1, 2020 and ends August 31, 2021. (The buyer and seller reserve the right for an additional optional year, if agreed upon by both parties)

POINT OF DELIVERY: The point of delivery will be at the interconnection between WBI Energy Transmission (WBI) and Montana Dakota Utilities (MDU) in Bismarck.

PRICE: The price of the gas commodity from September 1, 2020 thru October 31, 2020 and April 1, 2021 thru August 31, 2021 will be at Inside FERC Gas Market Report's Colorado Interstate Gas (CIG) Index minus \$0.30 per MMBtu and November 1, 2020 thru March 31, 2021 will be a fixed price of \$2.05/MMBtu.

TRANSPORTATION: In addition to the price of the gas as determined under this Agreement, the Buyer agrees to pay WBI's actual Firm Transportation rate plus fuel in % on WBI's pipeline at the time gas is delivered, which currently is \$0.36866 and 1.837% fuel per MMBtu.

OTHER PROVISIONS: Rainbow Gas agrees to handle the nominating and balancing of your gas on MDU at no additional charge and as a part of our service.

PAYMENT: Seller shall, from the information provided by Transporter(s), calculate a statement showing the amount of payment due Seller by Buyer for each month and provide Buyer a copy of same on or before the (15th) fifteenth day of the month following the month in which deliveries were made. Buyer shall pay for gas delivered and purchased hereunder within (10) days after Buyer's receipt of Seller's statement or by the 25th, whichever is later.

CONDITION OF SALE:

1. This Agreement may not be assigned without prior written consent of the other party.
2. If either party is rendered unable by force majeure to carry out its obligations as described hereunder, other than the obligation to make money payments when due, then the party's obligations affected by the force majeure shall be suspended during, but no longer than the continuance thereof. The term "force majeure" shall mean as here employed an act of God, fire, storm, explosion, failure of third party transporters to deliver or accept gas, failure of gas supply and any other cause not reasonably within the control of the party claiming suspension.
3. Advise any disagreement with any provision of this Agreement prior to initial delivery of gas or we will consider this Agreement binding as to all terms and conditions as set forth herein.
4. In the event transportation rates increase or decrease on WBI, these rates will be passed on to the Buyer at what they actually are.
5. Confidentiality: The terms of this Agreement, including but not limited to, the price paid for gas, term, volumes and all other material terms of this contract shall be kept confidential by the parties hereto, except where information is required to be disclosed under open record or open meeting or other North Dakota law.
6. Governing Law: This Agreement is governed by and shall be construed in accordance with the laws of the State of North Dakota (without giving effect to that State's conflict-of-laws or choice-of-laws provisions), and any dispute in relation to it shall be subject to the exclusive jurisdiction of the courts in Bismarck, North Dakota.

By their signatures, as they appear below, Buyer and Seller hereby accept and agree to the terms and conditions of this Agreement.

SELLER:

RAINBOW GAS COMPANY

By: 
Jolene Erdman

Its: President

Date: April 20, 2020

BUYER:

BISMARCK CITY ADMINISTRATION

By: _____
Steve Bakken

Its: President of Board of City Commissioners

Date: April 28, 2020



Public Works Service Operations Department

DATE: April 23, 2020

FROM: Jeff Heintz, Service Operations Director 

ITEM: Approval of Task Order 20-02 to Agreement with Houston Engineering for Solid Waste Operations Engineering Services

REQUEST

Approve to accept Task Order No. 20-02 from Houston Engineering for the solid waste operations to provide consulting services for 2020 Cell 1 Expansion Area.

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

On January 23, 2018, the City of Bismarck entered into an agreement with Houston Engineering for professional engineering services for solid waste operations. Construction of the Cell 1 Expansion Area Project was awarded to perform the excavation of the new MSW Cell 1, MSW perimeter haul roadway construction, embankment construction, leachate sanitary sewer pipe and related facility site improvements. Onsite resident project representative and construction management services are needed to ensure the project progresses and to ensure pay item quantities are recorded and validated. The total estimated cost of Task Order No. 20-02 is \$215,850.00.

RECOMMENDED CITY COMMISSION ACTION

Approve Task Order No. 20-02 to the Agreement with Houston Engineering for professional engineering services for solid waste operations.

STAFF CONTACT INFORMATION

Jeff Heintz | Service Operations Director, 355-1700 or jheintz@bismarcknd.gov. I will be present at the meeting to answer any questions.

**SUGGESTED FORM OF
TASK ORDER**

This is Task Order No **20-02**,
consisting of **4** pages.

Task Order

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated January 23, 2018 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

- A. Effective Date of Task Order: **April 28, 2020**
- B. Owner: **City of Bismarck**
- C. Engineer: **Houston Engineering Inc.**
- D. Specific Project (title): **Construction Management Services for Bismarck Landfill Project LF2020-001; BSWMF Expansion Area Cell 1.**
- E. Specific Project (description): **The Bismarck Municipal Waste Facility is has awarded the construction of the LF2020-001 Project which is to perform the excavation of the new MSW Cell 1 excavation, MSW perimeter haul roadway construction, embankment construction, leachate sanitary sewer pipe and related facility site improvements. Onsite Resident Project Representative and construction management services are needed to ensure the project progresses and to ensure pay item quantities are recorded and validated.**

2. Services of Engineer

A. Engineer Construction Management Services

The services to be provided or furnished by Engineer during the construction and post construction phases under this Task Order are set forth in Exhibit A - A1.05 and A1.06 and are incorporated in this task order by reference.

B. Resident Project Representative (RPR) Services

The RPR Services set forth in Exhibit D of the Agreement is expressly incorporated in this Task Order by reference.

C. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

Task Order Form

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.
Copyright © 2014 National Society of Professional Engineers, American Council of Engineering Companies,
and American Society of Civil Engineers. All rights reserved.

3. Additional Services

A. Additional Services that may be authorized or necessary under this Task Order are as follows:

Coordinate with and respond to the reporting requirements of the North Dakota Department of Environmental Quality related to the Facility permit requirements associated with the construction project.

4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B.

5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule:

The completion date of this task order is May 31, 2021.

6. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

By Standard Hourly rates set forth in Article 2 and described in Exhibit C Article 2 Paragraph C2.02.B of the Agreement.

The total estimated fee for services is \$215,850.00 as itemized below:

Construction Management and Survey Services: \$51,500.00
Resident Project Representative and Onsite Observation Services: \$151,390.00
Final As-Built and Contract Close-out Services: \$12,960.00

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

7. Sub-Consultants retained as of the Effective Date of the Task Order:

Braun Intertec Corporation, Bismarck ND

8. Other Modifications to Agreement and Exhibits:

None

9. Attachments:

None

10. Other Documents Incorporated by Reference:

Bismarck Solid Waste Operations Engineering Services Agreement- January 23, 2018

11. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is **April 28, 2020**.

OWNER: City of Bismarck

ENGINEER: Houston Engineering Inc.

By: _____

By: _____

Name: Steve Bakken

Name: Sherwin Wanner, PE

Title: Mayor

Title: Project Manager / Bismarck Office Manager

Engineer License or Firm's Certificate No. 015C

State of: North Dakota

Date Signed: _____

Date Signed: _____

Attest: _____

Attest: _____

Name: Keith Hunke

Name: Kevin Martin, PE

Title: City Administrator

Title: Principal/Senior Project Manager

Task Order Form

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.
Copyright © 2014 National Society of Professional Engineers, American Council of Engineering Companies,
and American Society of Civil Engineers. All rights reserved.

Address for giving notices:

Bismarck Department of Public Works
PO Box 5503
601 S. 26th Street

Bismarck, ND 58506-5503

Address for giving notices:

Houston Engineering Inc.
3712 Lockport St.

Bismarck, ND 58503

DESIGNATED REPRESENTATIVE
(Paragraph 8.03.A):

Jeff Heintz

Title: Director of Service Operations

Phone Number: 701-355-1705

Facsimile Number: 701-221-6840

E-Mail
Address: jheintz@bismarcknd.gov

DESIGNATED REPRESENTATIVE
(Paragraph 8.03.A):

Sherwin Wanner, PE

Title: Project Manager

Phone Number: 701-323-0200

Facsimile Number: 701-323-0300

E-Mail
Address: swanner@houstoneng.com



PUBLIC WORKS – UTILITY OPERATIONS

DATE: April 21, 2020

FROM: Michelle Klose, Director of Utility Operations *MK*

ITEM: Change Order 1 with John's Refrigeration & Electric, Inc. for the 2019 Water SCADA project

REQUEST

Approve Contract Change Order 1 with John's Refrigeration & Electric, Inc. for the 2019 Water SCADA project.

Please place this item on the April 28, 2020 City Commission meeting.

BACKGROUND INFORMATION

The change order modifies the completion dates to accommodate the City's networking roll-out; a deduction in the contract amount for removal of flow switch equipment and labor at the Hillside Reservoir, together with installation of new cable and conduit to replace melted components at the Crocus valve. This change order results in a reduction in contract price from \$128,590 to \$128,057.

RECOMMENDED CITY COMMISSION ACTION

Approve Contract Change Order 1 with John's Refrigeration & Electric, Inc. for the 2019 Water SCADA project.

STAFF CONTACT INFORMATION

Michelle Klose, Director of Utility Operations, 355-1700, mklose@bismarcknd.gov

CONTRACT CHANGE ORDER FORM

DEPARTMENT

City Department	Public Works - Utility		
Contractor	Edling Electric, Inc.		
Contract Number	2019.61	Change Order Number	1
Project Number		Change Order Date	4/21/2020
Project Description	WTRUTIL.WTR.SCADA2019		
Original Contract Amount	\$ 128,590.00	Approved Contract Budget	
Previous Contract Amount	\$ 128,589.00		
Change Order Amount	(\$533.00)		ACTION REQUIRED (SEE BELOW)
Proposed Contract Amount	\$ 128,056.00		
Within Project Scope	YES	Within Project Funding	YES
Completion Date	4/15/2020	Change in Completion Date	YES
Revised Completion Date*	6/15/2020	REV COMP DATE REQ'D	<i>*If completion date changed on this Change Order</i>
Type of Change Order	Non Design-related	Work Order No(s).	

Description:

The change order modifies the completion dates to accommodate the City's networking roll-out, together with a deduction in the contract amount for removal of flow switch equipment and labor at the Hillside Reservoir, together with installation of new cable and conduit to replace melted components at the Crocus valve. This change order results in a reduction in contract price from \$128,590 to \$128,057.

Project Manager Signature (≤\$15,000) Michelle Floze 4/21/2020 **SIGN HERE**
 Send to Fiscal if change is ≤\$15,000, completion date ≤5 days, no scope change or no revised budget

Department Head Signature (≤\$25,000) _____
 Send to Fiscal if change is ≤\$25,000, completion date ≤15 days, no scope change or no revised budget

ADMINISTRATION

City Administrator Signature (≤\$50,000) _____
 Add to Commission Agenda

COMMISSION APPROVAL

Commission Approval Date _____
 Attach Commission approval memo and send to Fiscal

**COMMISSION APPROVAL
REQUIRED**

**If not within project scope or funding, attach revised description and/or revised Project Budget for Board Approval*

Date of Issuance: 4/21/20	Effective Date: 5/12/2020
Owner: City of Bismarck	Owner's Contract No.: 2019-30
Contractor: John's Refrigeration & Electric, Inc	Contractor's Project No.:
Engineer: AE2S	Engineer's Project No.: P00501-2018-041 TO7
Project: 2019 Bismarck Water SCADA Upgrade	Contract Name: General Construction

The Contract is modified as follows upon execution of this Change Order:

- Modification of substantial completion date and final completion date.
- Removal of labor and equipment costs at Hillside Reservoir.
- Addition of labor and equipment costs at Crocus Valve

Description:

Change substantial completion date from April 15th, 2020 to June 15th, 2020 to accommodate a delay for Owner provided networking. Change final completion date from May 15th, 2020 to July 15th, 2020 to accommodate a delay for Owner provided networking.

Change in contract price of a deduction of \$533 as follows:

- Deduct \$423 from contract for removal of flow switch equipment at Hillside Reservoir.
- Deduct \$510 from contract for removal of flow switch installation labor at Hillside Reservoir.
- Addition of \$400 to contract for installation of new cable and conduit to replace melted components at Crocus Valve.

Future addition to contract price for Contractor remobilization to perform commission.

Attachments: None

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ <u>128,590</u>	Original Contract Times: Substantial Completion: <u>April 15, 2020</u> Ready for Final Payment: <u>May 15, 2020</u> dates
Increase from previously approved Change Orders: \$ <u>Not Applicable</u>	Increase from previously approved Change Orders: Substantial Completion: <u>Not Applicable</u> Ready for Final Payment: <u>Not Applicable</u> dates
Contract Price prior to this Change Order: \$ <u>128,590</u>	Contract Times prior to this Change Order: Substantial Completion: <u>April 15, 2020</u> Ready for Final Payment: <u>May 15, 2020</u> dates
Decrease of this Change Order: \$ <u>(533)</u>	Increase of this Change Order: Substantial Completion: <u>June 15, 2020</u> Ready for Final Payment: <u>July 15, 2020</u> dates
Contract Price incorporating this Change Order: \$ <u>128,057</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>June 15, 2020</u> Ready for Final Payment: <u>July 15, 2020</u> dates

<p>RECOMMENDED: By: <u></u> <u>Michael Chorne, AE2S</u> Title: <u>I&C Specialist</u> Date: <u>4/21/2020</u></p>	<p>ACCEPTED: By: _____ <u>Steve Bakken, President of</u> Title: <u>Board of City Commissioners</u> Date: <u>April 28, 2020</u></p>
<p>ACCEPTED: By: _____ Contractor (Authorized Signature) Title: _____ Date: _____</p>	



Bismarck-Burleigh Public Health

DATE: April 22, 2020
FROM: Renae Moch, Public Health Director *Rm*
ITEM: COVID-19 Department Operations Center Update

REQUEST:

Receive a report regarding the activities of the Department Operations Center in response to the COVID-19 pandemic.

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

Bismarck-Burleigh Public Health’s Department Operations Center was activated on March 12, 2020 in response to the World Health Organization’s declaration of a COVID-19 pandemic on March 11th which was also the date of the first positive case in North Dakota. Burleigh County had its first 2 positive cases confirmed on March 17th. Since then Bismarck-Burleigh Public Health has been actively performing tasks responding to the pandemic to prevent the spread of COVID-19.

The work of local public health has been focused on COVID-19 education and prevention efforts including regular updates to our social media sites and our website and assisting the community with questions and concerns regarding COVID-19. We also launched a Facebook Live series airing several times per week to provide up to date, accurate information. In addition, our team is assisting with contact tracing and investigation and rapid response testing as directed by the ND Department of Health.

Detailed efforts and accomplishments will be presented by Director Moch during the 4/28/2020 commission meeting.

RECOMMENDED CITY COMMISSION ACTION:

Receive the report.

STAFF CONTACT INFORMATION:

Renae Moch, MBA, FACMPE | Public Health Director, 355-1541 or rmoch@bismarcknd.gov



Administration Department

DATE: April 21, 2020
FROM: Jason Tomanek, Assistant City Administration/EOC Director
ITEM: Emergency Operations Center COVID-19 Pandemic Update

REQUEST

Receive a report regarding the activities of the Emergency Operations Center in response to the COVID-19 pandemic.

Please place this item on the April 28, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The City of Bismarck Emergency Operations Center (EOC) was activated on March 23, 2020 to address the ever-changing needs associated with the COVID-19 pandemic and its impacts on our community and our organization. The EOC is a collection of nearly two dozen City employees that are working to support the continued operations and services provided to the community. The composition of the EOC team is supported by departments within the City such as Community Development, Engineering, Event Center, Finance, Fire, Police, Public Health, Public Works, and Administration. The EOC is composed of five sections- areas of focus for the various team members. The sections include Planning, Operations, Logistics, Finance, and Public Information. Each section focuses on tasks to support the entire EOC operation. The EOC complements the work being done by the Department Operations Center (DOC), which is composed of Public Health professionals performing tasks such as contact tracing and investigation, and rapid response testing- including drive-through testing events for known outbreak sites when requested by the North Dakota Department of Health.

Initial operations within the EOC were focused on tasks to physically establish the EOC with appropriate office equipment, supplies, and technology to support the work being done. To help facilitate an efficient kick-start to the EOC, mentors were identified from their efforts during the 2011 flood, the last time the EOC was activated. Jeff Heintz, EOC Director in 2011 mentored Jason Tomanek; Ron Kunda, 2011 operations, mentored Gabe Schell, and Joel Boespflug, Planning Section Chief in 2011 mentored Ben Ehreth. The guidance offered by the mentors was a key factor in the early success of the EOC Operations.

Significant milestones and projects accomplished by the EOC are listed below:

- Compilation of material on COVID-19 established to address anticipated questions from employees and supervisors
- Continued distribution of information to the public via website and social media
- Collaboration with a statewide network to evaluate needs associated with homeless individuals and COVID-19
- Developed the Homebody Hero social media messaging to encourage healthy and home-based activities
- Continuous collaboration with the Missouri Valley Coalition of Homeless People to address emerging needs in Bismarck.
- Continued efforts to investigate and implement funding reimbursements and CARES Act resources
- Collaboration with BisMan Transit staff to support additional federal funding/grants for operations.
- Coordinated the procurement and placement of portable toilets and hand washing stations for homeless individuals
- Established protocols for the public accessing City-owned buildings
- Frequent coordination with FEMA regarding funding, reimbursements, and expenditures associated with COVID-19
- Procured equipment, supplies, and resources for City staff to work safely during the pandemic.
- Identified and implemented appropriate technologies to allow for employees to continue unified efforts on key projects in the EOC.
- Established intelligence gathering/monitoring capabilities.

RECOMMENDED CITY COMMISSION ACTION

Receive the report.

STAFF CONTACT INFORMATION

Jason Tomanek | Assistant City Administrator, 355-1302 or jtomanek@bismarcknd.gov



FINANCE DEPARTMENT

DATE: April 23, 2020
FROM: Dmitriy Chernyak, Finance Director
ITEM: 2020 Budget Review and Update Due to COVID-19

REQUEST

Please place this item on the April 28, 2020 City Commission meeting regular agenda.

BACKGROUND INFORMATION

In the previous City Commission meeting, the Commissioners approved the Budget Committee to reconvene to review the 2020 budget, which would include 2020 priority initiatives, capital improvement projects, and other budget related items to evaluate the impact of the COVID-19 pandemic on the City's finances.

Commissioner Marquardt and the Finance Director will summarize and present results of the budget committee meetings and provide recommendations for the City Commission related to the 2020 budget moving forward.

RECOMMENDED CITY COMMISSION ACTION

Approve the acceptance of the presentation and the recommended actions as presented by the Budget Committee.



City Administration

DATE: March 3, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: JET Enterprises, Inc. (dba) Amici Pizza Company Application for a New Class I-2 Restaurant Beer and Wine Only Liquor License.

REQUEST

Introduction of and call for a public hearing on a request for a new Class I-2 Restaurant Beer and Wine Only liquor license for JET Enterprises, Inc. (dba) Amici Pizza Company.

Please place this item on the April 14, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

JET Enterprises, Inc. (dba) Amici Pizza Company is applying for a Class I-2 Restaurant Beer and Wine Only Liquor License for address, 3001 Yorktown Drive.

Class I-To any restaurant applicant for a food and beverage license to sell at retail subject to the following:

Class I-2-Beer and wine only.

1. Gross sales of alcoholic beverages may not be greater than 30% of total gross sales. All Class I license holders shall file with the application for license renewal a sworn statement executed by the licensee and a certified public accountant retained by the licensee certifying that gross food sales and gross liquor sales for the previous calendar year meet the requirements of this section. The board of city commissioners may, in its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary. All sales of alcoholic beverages by Class I licensees must be separately receipted to the customer by cash register receipt and clearly identified as sales of liquor, beer or wine on all receipts.

2. The license is for on-sale only, and no off-sale is permitted.

3. The restaurant serves, at a tabletop, food that is prepared in a kitchen with at least an indoor grill.
4. Once a license has been established at a particular location, the license may not be transferred to another location.
5. The licensee may not permit public dances or dancing of any kind. Minors are allowed on the licensed premises only as permitted by NDCC Section 5-02-06.
6. Alcoholic beverages may be sold or served only during such times that full menu service is available.
7. For a Class I-1 that has a minimum seating capacity of 100 seats, gross sales of alcoholic beverages may not be greater than 40 percent of total gross sales of food and alcoholic beverages.

RECOMMENDED CITY COMMISSION ACTION

Staff recommends approval of the introduction of and call for a public hearing on the request from JET Enterprises, Inc. (dba) Amici Pizza Company with the public hearing scheduled for Tuesday, April 28, 2020. Staff also recommends approval of the new Class I-2 Restaurant Beer and Wine Only Liquor License.

STAFF CONTACT INFORMATION

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

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

LAST REVISED: 5/1/2019

License Type: Individual <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Partnership <input type="checkbox"/>				
New Application <input checked="" type="checkbox"/> Renewal <input type="checkbox"/> Transfer <input type="checkbox"/> Relocation <input type="checkbox"/>				
A-Nationally Organized Fraternal Order or Club <input type="checkbox"/>	E-Sale at Retail of Beer Only <input type="checkbox"/>	H-Commercial vessels on the Missouri River <input type="checkbox"/>	K-Beer and Wine at the Bismarck Event Center <input type="checkbox"/>	P-Event Site <input type="checkbox"/>
B-Airport Terminal Building <input type="checkbox"/>	F1-Restaurant - Alcoholic Beverages - 55/45 Split <input type="checkbox"/>	I1-Restaurant - Alcoholic Beverages - 70/30 Split <input type="checkbox"/>	L-Beer & Wine at Parks & Recreation Locations <input type="checkbox"/>	Q-Restaurant On-Sale and Off-Sale Wine <input type="checkbox"/>
C-Hotel or Motel Full Service <input type="checkbox"/>	F2-Restaurant - Beer/Wine Only - 55/45 Split <input type="checkbox"/>	I2-Restaurant - Beer and Wine Only - 70/30 Split <input checked="" type="checkbox"/>	M-Catered Retail Beer, Wine, & Liquor <input type="checkbox"/>	R-Commercial Airline <input type="checkbox"/>
C2-Hotel or Motel <input type="checkbox"/>	F3-Restaurant - Beer Only - 55/45 Split <input type="checkbox"/>	I3-Restaurant - Beer Only - 70/30 Split <input type="checkbox"/>	N-Domestic Winery <input type="checkbox"/>	S-Beer Arcade <input type="checkbox"/>
D-Sale at Retail of Alcoholic Beverages <input type="checkbox"/>	G-Concession Bismarck Municipal Country Club <input type="checkbox"/>	J-Non-profit Organization Club or Establishment <input type="checkbox"/>	O-Microbrewery <input type="checkbox"/>	T-Senior Living Community <input type="checkbox"/>

Location Information:				
Name of Partnership or Corporation: JET Enterprises			Date of Incorporation: August 29, 2018	State Business ID Number: 45.790.400
Name of business for which license is requested (DBA): Amici Pizza Company			If out of state corporation, is corporation registered in North Dakota? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Location Address: 3001 Yorktown Dr	City: Bismarck	State: ND	Zip: 58503	Phone Number: (701) 516-3585
Owner of Building or Premises: Sam and Ben Turnbow				

Correspondence Information (Where correspondence is to be sent):			
Primary Contact: Jeffrey Buchholtz		Phone Number: 701 516-3585	Email Address: jpbuchholtz@q.com
Mailing Address: 1735 North 7th Street		City: Bicmarck	State: ND Zip: 58501

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

Manager's Name: Todd Surdez		Date of Birth: 10/20/1967	Race: Caucasion
Driver's License Number: SUR-67-3637		State Issued: ND	Gender: Male
Home Address: 6926 Horseshoe Bend		City: Bismarck	State: ND Zip: 58503
Occupation: Owner/Manager	Phone Number: 605-295-2442	Title: COO	Email Address: todd.amici@gmail.com

Name: Jeffrey Buchholtz		Date of Birth: 10/29/1969	Race: Caucasion
Driver's License Number: BUC-69-5633		State Issued: ND	Gender: Male
Home Address: 1735 North 7th Street		City: Bismarck	State: ND Zip: 58501
Occupation: Sales	Phone Number: 701-516-3585	Title: CFO	Email Address: jpbuchholtz@q.com

Name: Eric Ahmann		Date of Birth: 7/27/1978	Race: Caucasion
Driver's License Number: AHM-78-9172		State Issued: ND	Gender: Male
Home Address: 2212 LaCorte Loop		City: Bismarck	State: ND Zip: 58503
Occupation: Sales	Phone Number: 701-204-8324	Title: CEO	Email Address: eahmann@hotmail.com

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

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 not, 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 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:

Eric Ahmann and Todd Surdez have managed restaurants which sold alcoholic beverages. Jeff Buchholtz managed off-sale liquor store previously

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:

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.

North Dakota

State of

Burleigh

County of

[Handwritten Signature]

Signature of Applicant

JEFFREY PAUL BUCHHOETZ

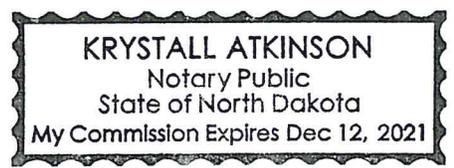
Print Name

License transfers require signatures from both parties.

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

Signature of Current Owner of Liquor License

Signature of Applicant



Subscribed and sworn to before me this 26th

day of March, 2020

[Handwritten Signature]

Notary Public

Note: Each application needs to be signed and notarized.

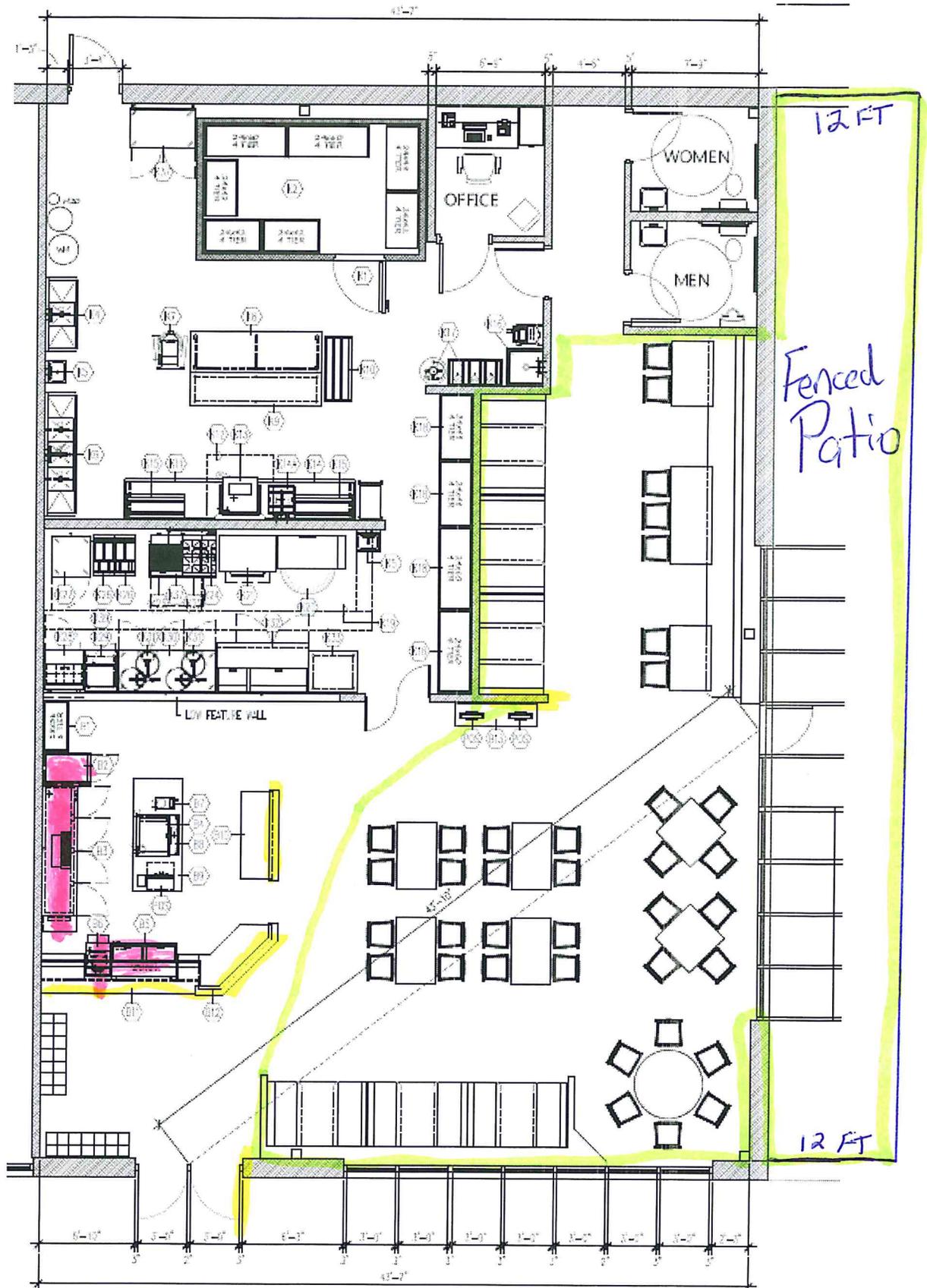
Restaurant Requirements:

All applications for Class "F", Class "I" (restaurants), Class "M" (caterer), Class "P" (event site) and Class "Q" (Restaurant On-Sale and Off-Sale) licenses MUST be accompanied by a sworn statement executed by the licensee and a certified public accountant retained by the licensee certifying that gross food sales and liquor sales for the previous calendar year meet the requirements of Chapter 5-01-04 of the City Code of Ordinances.

Liquor License Site Diagram Requirements:

- Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size. There shall be one-inch margin left clear on all edges of the diagram.
- The licensed area shall be identified within the margins.
- 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. Do not submit copies of construction blueprints.
- If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.
- Do not use reference or hi-lite markers to identify areas as they do not reproduce when copied.

- Alcohol SERVING AREA (Seating)
- Alcohol STORAGE and DISPENSING Area
- SOLID HALF WALLS



12 FT
Fenced
Patio

TENANT SPACE

← Z



City Administration

DATE: April 21, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Alcohol License Renewal Process

REQUEST

Consider discussion regarding the annual alcohol license renewal process.

Please place this item on the April 28, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Each year the City Administration department facilitates the annual renewal of alcohol licenses throughout the city, all City alcohol licenses expire on July 31. Typically renewal information is sent to all licensed establishments the first week of May each year. Over the course of two months, the Administration department receives the renewal applications and reviews them prior to the Commission's review and action at a regular City Commission meeting. Administration staff is seeking direction prior to initiating the annual alcohol license renewal process. Below are a series of options for your consideration.

1. Extend the expiration date of all current alcohol licenses until a date to be determined.
2. Pro-rate the annual license renewal fee based on dates when select businesses were not able to operate/sell alcohol due to the COVID-19 pandemic due to state guidelines limiting the operation of select businesses statewide.
3. Waive renewal fees for select businesses that were not able to operate/sell alcohol due to the COVID-19 pandemic due to state guidelines limiting the operation of select businesses statewide.
4. Proceed with the annual renewal process without any changes to the fee structure or renewal fees.

The attached spreadsheet identifies the annual renewal fee for each alcohol license available through the City of Bismarck. The spreadsheet lists the full renewal fee for each license in fourth column. The following columns demonstrate a pro-rated amount for each license for the remaining months of the calendar year (September through December).

It should be noted that not all businesses with an alcohol license have suspended sales and activity; for example, the off-sale retail establishments such as liquor stores and convenience stores selling beer have continued to provide products to consumers. If the Commission decides to pro-rate select alcohol licenses, City staff may need to work with each business that currently holds an alcohol license to determine if the business was operational during the statewide closure to ensure fairness to all businesses impacted by the pandemic.

Please consider a pro-rated renewal fee could help offset losses incurred by businesses impacted by reduced sales during the pandemic. It should be noted that a reduced renewal fee also would be considered a loss of revenue to the general fund; this could result in other changes to general fund department budgets such as the Police Department, the Fire Department and CenCom among others, which rely on this type of City revenue to balance their annual budgets. The annual renewal fees are calculated as part of the 2020 budget; changes to the 2020-2021 renewal fee schedule could result in compromised budgets for general fund departments. City staff would need to review the impacts caused by a reduced fee schedule to determine the overall impacts on the 2020 general fund departments' budgets.

RECOMMENDED CITY COMMISSION ACTION

Consider discussion regarding the annual alcohol renewal process and direct staff how to move forward with renewals and the annual fee for each license. Additionally, if adjustments are made to the annual renewal fees, staff will also need direction to review general fund departments' budgets for 2020 to determine the impacts of a pro-rated or reduced renewal amount.

STAFF CONTACT INFORMATION

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov

LICENSE #	COMPANY	LICENSE TYPE	Full License Amount	Prorated Fee/One Month Reduction	Prorated Fee/Two Month Reduction	Prorated Fee/Three Month Reduction	Prorated Fee/Four Month Reduction
LIQ2019-00081	AMVETS CLUB POST NO. 9	CLASS A - CLUBS	\$ 3,528.00	\$ 3,228.36	\$ 2,938.39	\$ 2,638.75	\$ 2,348.78
LIQ2019-00047	BISMARCK EAGLES CLUB #2237	CLASS A - CLUBS	\$ 3,528.00	\$ 3,228.36	\$ 2,938.39	\$ 2,638.75	\$ 2,348.78
LIQ2019-00026	BISMARCK MOOSE LODGE #302	CLASS A - CLUBS	\$ 3,528.00	\$ 3,228.36	\$ 2,938.39	\$ 2,638.75	\$ 2,348.78
LIQ2019-00040	BISMARCK-MANDAN ELKS LODGE 1199 BPOE	CLASS A - CLUBS	\$ 3,528.00	\$ 3,228.36	\$ 2,938.39	\$ 2,638.75	\$ 2,348.78
			\$ 14,112.00	\$ 12,913.45	\$ 11,753.56	\$ 10,555.00	\$ 9,395.11
LIQ2019-00006	THE JUNCTION	CLASS B - AIRPORT CONCESSION	\$ 630.00	\$ 576.49	\$ 480.15	\$ 471.21	\$ 419.42
			\$ 630.00	\$ 576.49	\$ 480.15	\$ 471.21	\$ 419.42
LIQ2019-00112	RADISSON HOTEL & CONFERENCE CENTER	CLASS C - HOTEL/MOTEL	\$ 3,654.00	\$ 3,343.66	\$ 2,784.86	\$ 2,732.99	\$ 2,432.66
LIQ2019-00059	RAMADA BISMARCK HOTEL	CLASS C - HOTEL/MOTEL	\$ 3,654.00	\$ 3,343.66	\$ 2,784.86	\$ 2,732.99	\$ 2,432.66
LIQ2019-00113	RAMKOTA HOTEL & CONFERENCE CENTER	CLASS C - HOTEL/MOTEL	\$ 3,654.00	\$ 3,343.66	\$ 3,043.33	\$ 2,732.99	\$ 2,432.66
LIQ2019-00043	HOLIDAY INN BISMARCK	CLASS C - HOTEL/MOTEL	\$ 3,654.00	\$ 3,343.66	\$ 3,043.33	\$ 2,732.99	\$ 2,432.66
			\$ 14,616.00	\$ 13,374.64	\$ 11,656.38	\$ 10,931.97	\$ 9,730.65
LIQ2019-00072	BISMARCK COURTYARD	CLASS C-2 - HOTEL/MOTEL	\$ 945.00	\$ 864.74	\$ 787.07	\$ 706.81	\$ 629.14
LIQ2019-00073	BISMARCK RESIDENCE INN	CLASS C-2 - HOTEL/MOTEL	\$ 945.00	\$ 864.74	\$ 787.07	\$ 706.81	\$ 629.14
LIQ2019-00069	BISMARCK STAYBRIDGE SUITES	CLASS C-2 - HOTEL/MOTEL	\$ 945.00	\$ 864.74	\$ 787.07	\$ 706.81	\$ 629.14
LIQ2019-00151	COURTYARD BISMARCK	CLASS C-2 - HOTEL/MOTEL	\$ 945.00	\$ 864.74	\$ 787.07	\$ 706.81	\$ 629.14
LIQ2019-00082	EXPRESSWAY SUITES	CLASS C-2 - HOTEL/MOTEL	\$ 945.00	\$ 864.74	\$ 787.07	\$ 706.81	\$ 629.14
LIQ2019-00135	LAQUINTA INN & SUITES	CLASS C-2 - HOTEL/MOTEL	\$ 945.00	\$ 864.74	\$ 787.07	\$ 706.81	\$ 629.14
			\$ 5,670.00	\$ 5,188.44	\$ 4,722.41	\$ 4,240.85	\$ 3,774.82
LIQ2019-00070	COMFORT LOUNGE	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00126	CORRAL BAR	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2020-00004	COSTCO WHOLESALE #1380	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00099	COUNTRY WEST MVP	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00131	ELBOW ROOM	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00150	MAIN BAR	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00057	OBRIAN'S	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00023	PLAZA BEER DEPOT	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00031	SAMS CLUB #4933	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00062	SIDELINES	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00064	SPORTS PAGE	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00029	WALMART #1534	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00030	WALMART #3648	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00120	WILLIQUORS INC	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00032	BLARNEY STONE PUB	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00035	BORROWED BUCKS ROADHOUSE	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00010	CAPTAIN JACK'S #7046	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00011	CAPTAIN JACK'S #7047	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00012	CAPTAIN JACK'S #7048	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00013	CASH WISE LIQUOR	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2020-00001	CASH WISE LIQUOR SOUTH	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00100	HUMPBACK SALLY'S	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00037	POLAR PACKAGE PLACE / LUCKY'S BAR	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00068	PUB 21	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
LIQ2019-00121	STADIUM SPORTS BAR & LODGE	CLASS D - FULL ALCOHOL	\$ 3,906.00	\$ 3,574.26	\$ 3,253.22	\$ 2,921.47	\$ 2,600.43
			\$ 97,650.00	\$ 89,356.44	\$ 81,330.41	\$ 73,036.85	\$ 65,010.82

LICENSE #	COMPANY	LICENSE TYPE	Full License Amount	Prorated Fee/One Month Reduction	Prorated Fee/Two Month Reduction	Prorated Fee/Three Month Reduction	Prorated Fee/Four Month Reduction
LIQ2019-00028	BEER CAVE	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00076	JL BEERS	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00055	MIDWAY TAVERN	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00109	NORTHBROOK MVP	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00110	OUR PLACE TAVERN	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00058	PILOT TRAVEL CENTERS LLC STORE #1224	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00116	SUPERPUMPER #39	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00117	SUPERPUMPER #40	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00140	THE TAP-IN TAVERN	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00020	HORIZON MARKET	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00107	LANDERS SHELL	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00044	LOAF N JUG #685	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00016	PETRO SERVE USA #077	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00015	RUNWAY EXPRESS MART	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00063	SIMONSON STATION STORES INC	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00036	TRI ENERGY CENEX CENTENNIAL	CLASS E - BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
			\$ 12,096.00	\$ 11,068.67	\$ 10,074.48	\$ 9,047.15	\$ 8,052.95
LIQ2019-00102	40 STEAK & SEAFOOD	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00079	A & B PIZZA SOUTH INC	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00144	ALE WORKS	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00093	APPLEBEES NEIGHBORHOOD GRILL & BAR	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00094	APPLEBEES NEIGHBORHOOD GRILL & BAR	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00097	BISTRO 1100, INC	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00074	BROADWAY GRILL & TAVERN	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00104	BUFFALO WILD WINGS	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00103	BUFFALO WILD WINGS NORTH	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00125	BUFFALO WINGS & RINGS	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00105	EDWINTON BREWING COMPANY	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00132	FAMOUS DAVES	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00106	HONG KONG RESTAURANT	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00128	JACK'S STEAKHOUSE & SALOON	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00048	KOBES JAPANESE STEAKHOUSE & SUSHI BAR	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00039	LONGHORN STEAKHOUSE #5557	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00141	LOS LUNA'S	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00066	LUCKY'S 13 PUB	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00127	MACKENZIE RIVER PIZZA GRILL & PUB	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00054	MARLINS FAMILY RESTAURANT	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00134	OAHU HAWAIIAN BBQ & SUSHI BAR	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00111	PEACOCK ALLEY	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00060	ROCK'N 50'S CAFE	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00022	SHOGUN JAPANESE STEAKHOUSE	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00061	SICKIES GARAGE	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00114	STONEHOME BREWING COMPANY	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2020-00003	THE CRAFTCADE	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00038	THE OLIVE GARDEN ITALIAN RESTAURANT #178	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89

LICENSE #	COMPANY	LICENSE TYPE	Full License Amount	Prorated Fee/One Month Reduction	Prorated Fee/Two Month Reduction	Prorated Fee/Three Month Reduction	Prorated Fee/Four Month Reduction
LIQ2019-00046	THE PIER BAR & GRILL	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00129	THE TOASTED FROG	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00033	CARINO'S ITALIAN	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00027	GROUND ROUND	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00034	PARADISO	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00018	RED LOBSTER #0487	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00019	RUBY TUESDAY	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00042	SPACE ALIENS GRILL & BAR	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
LIQ2019-00021	TEXAS ROADHOUSE	CLASS F-1 – RESTAURANT FULL ALCOHOL	\$ 3,402.00	\$ 3,113.06	\$ 2,833.45	\$ 2,544.51	\$ 2,264.89
			\$ 125,874.00	\$ 115,183.33	\$ 104,837.52	\$ 94,146.85	\$ 83,801.05
LIQ2019-00067	BISMARCK HUHOT MONGOLIAN GRILL	CLASS F-2 – RESTAURANT BEER & WINE	\$ 1,449.00	\$ 1,325.93	\$ 1,206.84	\$ 1,083.77	\$ 964.68
LIQ2019-00098	BRUNO'S PIZZA	CLASS F-2 – RESTAURANT BEER & WINE	\$ 1,449.00	\$ 1,325.93	\$ 1,206.84	\$ 1,083.77	\$ 964.68
LIQ2019-00065	GOLF ETC BISMARCK	CLASS F-2 – RESTAURANT BEER & WINE	\$ 1,449.00	\$ 1,325.93	\$ 1,206.84	\$ 1,083.77	\$ 964.68
LIQ2019-00075	JL BEERS	CLASS F-2 – RESTAURANT BEER & WINE	\$ 1,449.00	\$ 1,325.93	\$ 1,206.84	\$ 1,083.77	\$ 964.68
LIQ2019-00050	LAUGHING SUN BREWING COMPANY	CLASS F-2 – RESTAURANT BEER & WINE	\$ 1,449.00	\$ 1,325.93	\$ 1,206.84	\$ 1,083.77	\$ 964.68
LIQ2019-00053	LUCKY STAR BUFFET	CLASS F-2 – RESTAURANT BEER & WINE	\$ 1,449.00	\$ 1,325.93	\$ 1,206.84	\$ 1,083.77	\$ 964.68
LIQ2019-00133	THE WALRUS RESTAURANT	CLASS F-2 – RESTAURANT BEER & WINE	\$ 1,449.00	\$ 1,325.93	\$ 1,206.84	\$ 1,083.77	\$ 964.68
LIQ2019-00017	CHINATOWN BUFFET	CLASS F-2 – RESTAURANT BEER & WINE	\$ 1,449.00	\$ 1,325.93	\$ 1,206.84	\$ 1,083.77	\$ 964.68
			\$ 11,592.00	\$ 10,607.47	\$ 9,654.71	\$ 8,670.18	\$ 7,717.41
LIQ2019-00085	INTERSTATE A & B PIZZA INC	CLASS F-3 – RESTAURANT BEER ONLY	\$ 819.00	\$ 749.44	\$ 682.13	\$ 612.57	\$ 545.25
			\$ 819.00	\$ 749.44	\$ 682.13	\$ 612.57	\$ 545.25
LIQ2019-00092	LADY J'S CATERING INC	CLASS G - MUNICIPAL COUNTRY CLUB	\$ 693.00	\$ 634.14	\$ 577.18	\$ 518.33	\$ 461.37
			\$ 693.00	\$ 634.14	\$ 577.18	\$ 518.33	\$ 461.37
LIQ2019-00005	LEWIS & CLARK RIVERBOAT	CLASS H REGULAR	\$ 680.00	\$ 622.25	\$ 566.36	\$ 508.60	\$ 452.71
			\$ 680.00	\$ 622.25	\$ 566.36	\$ 508.60	\$ 452.71
LIQ2019-00143	A & B PIZZA SOUTH, INC	CLASS I-1 – RESTAURANT FULL ALCOHOL	\$ 3,276.00	\$ 2,997.76	\$ 2,728.50	\$ 2,450.27	\$ 2,181.01
LIQ2019-00142	BUTTERHORN	CLASS I-1 – RESTAURANT FULL ALCOHOL	\$ 3,276.00	\$ 2,997.76	\$ 2,728.50	\$ 2,450.27	\$ 2,181.01
LIQ2019-00009	CHARRAS	CLASS I-1 – RESTAURANT FULL ALCOHOL	\$ 3,276.00	\$ 2,997.76	\$ 2,728.50	\$ 2,450.27	\$ 2,181.01
LIQ2019-00083	COUNTRY HOUSE DELI	CLASS I-1 – RESTAURANT FULL ALCOHOL	\$ 3,276.00	\$ 2,997.76	\$ 2,728.50	\$ 2,450.27	\$ 2,181.01
LIQ2019-00052	LA CARRETA MEXICAN RESTAURANT	CLASS I-1 – RESTAURANT FULL ALCOHOL	\$ 3,276.00	\$ 2,997.76	\$ 2,728.50	\$ 2,450.27	\$ 2,181.01
LIQ2019-00045	LA ENCHILADA MEXICAN RESTAURANT	CLASS I-1 – RESTAURANT FULL ALCOHOL	\$ 3,276.00	\$ 2,997.76	\$ 2,728.50	\$ 2,450.27	\$ 2,181.01
LIQ2019-00084	PIROGUE GRILLE	CLASS I-1 – RESTAURANT FULL ALCOHOL	\$ 3,276.00	\$ 2,997.76	\$ 2,728.50	\$ 2,450.27	\$ 2,181.01
			\$ 22,932.00	\$ 20,984.35	\$ 19,099.53	\$ 17,151.88	\$ 15,267.06
LIQ2019-00090	ANIMA CUCINA	CLASS I-2 – RESTAURANT BEER & WINE	\$ 1,386.00	\$ 1,268.28	\$ 1,154.37	\$ 1,036.65	\$ 922.73
LIQ2020-00002	EAT THAI CAFE	CLASS I-2 – RESTAURANT BEER & WINE	\$ 1,386.00	\$ 1,268.28	\$ 1,154.37	\$ 1,036.65	\$ 922.73
LIQ2019-00089	FIREFLOUR PIZZA	CLASS I-2 – RESTAURANT BEER & WINE	\$ 1,386.00	\$ 1,268.28	\$ 1,154.37	\$ 1,036.65	\$ 922.73
LIQ2019-00077	NOODLEZIP	CLASS I-2 – RESTAURANT BEER & WINE	\$ 1,386.00	\$ 1,268.28	\$ 1,154.37	\$ 1,036.65	\$ 922.73
LIQ2019-00139	TERRA NOMAD	CLASS I-2 – RESTAURANT BEER & WINE	\$ 1,386.00	\$ 1,268.28	\$ 1,154.37	\$ 1,036.65	\$ 922.73
			\$ 6,930.00	\$ 6,341.42	\$ 5,771.84	\$ 5,183.26	\$ 4,613.67
LIQ2019-00130	LA TEJANA MEXICAN MARKET & RESTAURANT	CLASS I-3 – RESTAURANT BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00056	NARDELLO'S	CLASS I-3 – RESTAURANT BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00078	PANCHERO'S	CLASS I-3 – RESTAURANT BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00071	TACO DEL MAR	CLASS I-3 – RESTAURANT BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00041	THE WOOD HOUSE RESTAURANT	CLASS I-3 – RESTAURANT BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00024	PANCHERO'S MEXICAN GRILL	CLASS I-3 – RESTAURANT BEER ONLY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
			\$ 4,536.00	\$ 4,150.75	\$ 3,777.93	\$ 3,392.68	\$ 3,019.86

LICENSE #	COMPANY	LICENSE TYPE	Full License Amount	Prorated Fee/One Month Reduction	Prorated Fee/Two Month Reduction	Prorated Fee/Three Month Reduction	Prorated Fee/Four Month Reduction
LIQ2019-00138	RIVERWOOD GOLF COURSE	CLASS L - GOLF COURSE	\$ 334.00	\$ 305.63	\$ 278.18	\$ 249.81	\$ 222.36
LIQ2019-00137	TOM O'LEARY GOLF COURSE	CLASS L - GOLF COURSE	\$ 334.00	\$ 305.63	\$ 278.18	\$ 249.81	\$ 222.36
LIQ2019-00095	BISMARCK LARKS BASEBALL	CLASS L - REGULAR	\$ 334.00	\$ 305.63	\$ 278.18	\$ 249.81	\$ 222.36
			\$ 1,002.00	\$ 916.90	\$ 834.54	\$ 749.44	\$ 667.08
LIQ2019-00096	BAREKNUCKLE EVENTS, LLC	CLASS M - CATERING	\$ 630.00	\$ 576.49	\$ 524.71	\$ 471.21	\$ 419.42
LIQ2019-00101	JAMES RIVER CAFE	CLASS M - CATERING	\$ 630.00	\$ 576.49	\$ 524.71	\$ 471.21	\$ 419.42
LIQ2019-00091	LADY J'S CATERING INC	CLASS M - CATERING	\$ 630.00	\$ 576.49	\$ 524.71	\$ 471.21	\$ 419.42
LIQ2019-00051	LAUGHING SUN BREWING COMPANY	CLASS M - CATERING	\$ 630.00	\$ 576.49	\$ 524.71	\$ 471.21	\$ 419.42
LIQ2019-00088	SIXTEEN 03 MAIN EVENTS	CLASS M - CATERING	\$ 630.00	\$ 576.49	\$ 524.71	\$ 471.21	\$ 419.42
			\$ 3,150.00	\$ 2,882.47	\$ 2,623.56	\$ 2,356.03	\$ 2,097.12
LIQ2019-00014	VINTNER'S CELLAR WINERY	CLASS N - DOMESTIC WINERY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
			\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00123	BIRD DOG BREWING LLC	CLASS O - MICROBREWERY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00124	BISMARCK BREWING	CLASS O - MICROBREWERY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00145	GIDEON'S BREWING COMPANY INC	CLASS O - MICROBREWERY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00049	LAUGHING SUN BREWING COMPANY	CLASS O - MICROBREWERY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
LIQ2019-00115	STONEHOME BREWING COMPANY	CLASS O - MICROBREWERY	\$ 756.00	\$ 691.79	\$ 629.65	\$ 565.45	\$ 503.31
			\$ 3,780.00	\$ 3,458.96	\$ 3,148.27	\$ 2,827.23	\$ 2,516.55
LIQ2019-00148	BISMARCK AMVETS POST #9	CLASS P - CATERED LOCATION	\$ 630.00	\$ 576.49	\$ 524.71	\$ 471.21	\$ 419.42
LIQ2019-00087	SIXTEEN 03 MAIN EVENTS	CLASS P - CATERED LOCATION	\$ 630.00	\$ 576.49	\$ 524.71	\$ 471.21	\$ 419.42
			\$ 1,260.00	\$ 1,152.99	\$ 1,049.42	\$ 942.41	\$ 838.85
LIQ2019-00086	MESA AIRLINES, INC.	CLASS R - COMMERCIAL AIRLINE	\$ 50.00	\$ 45.75	\$ 41.64	\$ 37.40	\$ 33.29
			\$ 50.00	\$ 45.75	\$ 41.64	\$ 37.40	\$ 33.29
LIQ2019-00149	TOUCHMARK ON WEST CENTURY	CLASS T - SENIOR LIVING COMMUNITY	\$ 334.00	\$ 305.63	\$ 278.18	\$ 249.81	\$ 222.36
			\$ 334.00	\$ 305.63	\$ 278.18	\$ 249.81	\$ 222.36
			\$ 329,162.00	\$ 300,583.53	\$ 273,589.85	\$ 246,195.14	\$ 219,140.73
				\$ 28,578.47	\$ 55,572.15	\$ 82,966.86	\$ 110,021.27



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

**APPLICATION FOR RETAIL
ALCOHOL BEVERAGE LICENSE**

LAST REVISED: 5/1/2019

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

License Type:		Individual	Corporation	Partnership	
		New Application	Renewal	Transfer	Relocation
A -Nationally Organized Fraternal Order or Club	E -Sale at Retail of Beer Only	H -Commercial vessels on the Missouri River	K -Beer and Wine at the Bismarck Event Center	P -Event Site	
B -Airport Terminal Building	F1 -Restaurant - Alcoholic Beverages - 55/45 Split	I1 -Restaurant - Alcoholic Beverages - 70/30 Split	L -Beer & Wine at Parks & Recreation Locations	Q -Restaurant On-Sale and Off-Sale Wine	
C -Hotel or Motel Full Service	F2 -Restaurant - Beer/Wine Only - 55/45 Split	I2 -Restaurant - Beer and Wine Only - 70/30 Split	M -Catered Retail Beer, Wine, & Liquor	R -Commercial Airline	
C2 -Hotel or Motel	F3 -Restaurant - Beer Only - 55/45 Split	I3 -Restaurant - Beer Only - 70/30 Split	N -Domestic Winery	S -Beer Arcade	
D -Sale at Retail of Alcoholic Beverages	G -Concession Bismarck Municipal Country Club	J -Non-profit Organization Club or Establishment	O -Microbrewery	T -Senior Living Community	

Location Information:					
Name of Partnership or Corporation:			Date of Incorporation:	State Business ID Number:	
Name of business for which license is requested (DBA):			If out of state corporation, is corporation registered in North Dakota? Yes No		
Location Address:	City:	State:	Zip:	Phone Number:	
Owner of Building or Premises:					

Correspondence Information (Where correspondence is to be sent):					
Primary Contact:		Phone Number:	Email Address:		
Mailing Address:		City:	State:	Zip:	

List all officers or director of corporation or partners and percentage of ownership:			
Manager's Name:		Date of Birth:	Race:
Driver's License Number:		State Issued:	Gender:
Home Address:	City:	State:	Zip:
Occupation:	Phone Number:	Title:	Email Address:

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

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

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

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 not, 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 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 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:

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.

 State of _____ Signature of Applicant

 County of _____ Print Name

License transfers require signatures from both parties.

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

 Signature of Current Owner of Liquor License

 Signature of Applicant

Subscribed and sworn to before me this _____
 day of _____

Note: Each application needs to be signed and notarized. _____
 Notary Public

Restaurant Requirements:

*All applications for Class "F", Class "I" (restaurants), Class "M" (caterer), Class "P" (event site) and Class "Q" (Restaurant On-Sale and Off-Sale) licenses MUST be accompanied by a sworn statement executed by the licensee and a **certified public accountant** retained by the licensee certifying that gross food sales and liquor sales for the previous calendar year meet the requirements of Chapter 5-01-04 of the City Code of Ordinances.*

Liquor License Site Diagram Requirements:

- Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size. There shall be one-inch margin left clear on all edges of the diagram.
- The licensed area shall be identified within the margins.
- 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. Do not submit copies of construction blueprints.
- If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.
- Do not use reference or hi-lite markers to identify areas as they do not reproduce when copied.

Payment Options:

Check by Mail	Mail Correspondence to: City of Bismarck
Credit Card Authorization Form by Mail	Administration Department
Credit Card Authorization Form by Email	221 N 5th St
Credit Card Payment by Phone	Bismarck, ND 58501
Email Correspondence to: Whitnie Olsen - wolsen@bismarcknd.gov	

Note: Payment information is used for a one time payment only. After payment has been completed the information provided will not be kept on file and will be disposed of.

Credit Card Authorization:

Card Holder Name:	Visa:	Master Card:	Discover:
Account Number:	Exp Date:	3 Digit Security Number:	Billing Zip Code:
Amount Authorized:		Phone Number:	
Signature:		Date:	

Liquor License Fees:

Nationally Organized Fraternal Order or Club	Class A	\$3,528.00
Nationally Organized Fraternal Order or Club	Class A-2	\$403.00
Operator of the Beverage Concession at the Airport Terminal Building	Class B	\$630.00
Hotel or Motel Full Service	Class C	\$3,654.00
Hotel or Motel	Class C-2	\$945.00
Sale at Retail of Alcoholic Beverages	Class D	\$3,906.00
Sale at Retail of Beer Only	Class E	\$756.00
Restaurant - Alcoholic Beverages - 55/45 Food Split	Class F-1	\$3,402.00
Restaurant - Beer and Wine Only - 55/45 Food Split	Class F-2	\$1,449.00
Restaurant - Beer Only - 55/45 Food Split	Class F-3	\$819.00
Concession at the Bismarck Municipal Country Club	Class G	\$693.00
Commercial passenger vessels on the Missouri River	Class H	\$680.00
Restaurant - Alcoholic Beverages - 70/30 Food Split	Class I-1	\$3,276.00
Restaurant - Beer and Wine Only - 70/30 Food Split	Class I-2	\$1,386.00
Restaurant - Beer Only - 70/30 Food Split	Class I-3	\$756.00
Non-profit Organization Operating a Club or Establishment - National Guard	Class J	\$63.00
Sale of Beer and Wine at the Bismarck Event Center	Class K	\$630.00
Sale of Beer and Wine at Bismarck Parks and Recreation Locations	Class L	\$334.00
Catered Retail Beer, Wine, & Liquor	Class M	\$630.00
Domestic Winery	Class N	\$756.00
Microbrewery	Class O	\$756.00
Event Site	Class P	\$630.00
Restaurant On-Sale and Off-Sale Wine	Class Q	\$3,600.00
Commercial Airline	Class R	\$50.00
Beer Arcade	Class S	\$800.00
Senior Living Community	Class T	\$334.00
Late Fee		\$50.00



Engineering Department

DATE: April 21, 2020
FROM: Gabe Schell, City Engineer
ITEM: Street Improvement District No. 534

REQUEST

Request for Resolution Receiving Bids and ordering Preparation of the Engineer's Statement for SI 534.

Request for Resolution Awarding Contract for SI 534.

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Street Improvement District No. 534 consists of 1 unit of resurfacing of existing roadways. Unit 1 includes approximately 7,780 LF of roadway improvements.

Letters were sent to property owners notifying them of this project. The insufficiency of protests was presented at the March 24, 2020 commission meeting.

Unit No. 1

Yegen Road – 231' south of Morrison Ave to 150' north of Hagen Ave

Project Schedule

Receipt and Opening of Bids:	April 27, 2020
Award of Bid:	April 28, 2020
Project Completion:	August 1, 2020

Bids will be received on April 27, 2020. The engineer's estimate was \$ 742,065.30. A bid summary and project budget will be distributed prior to the commission meeting.

RECOMMENDED CITY COMMISSION ACTION

Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for SI 534.

Resolution Awarding Contract for SI 534.

STAFF CONTACT INFORMATION

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

SI 534 - UNIT 1

Street Improvement District

Resurface





Engineering Department

DATE: April 20, 2020
FROM: Gabe Schell, City Engineer
ITEM: Street Utility Project SV 54

REQUEST

Request to Receive Bids and Award Contract for SV 54

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Street utility project SV 54 consists of five units of street light conductor replacements and related items in west central Bismarck. The street light conductor replacement project was included in the 2020 Budget CIP.

The engineer's estimate for SU 54 is \$167,281.00. Bids will be received on April 27, 2020. The bid summary and project budget will be distributed prior to the commission meeting.

This project is included in the 2020 CIP.

RECOMMENDED CITY COMMISSION ACTION

Receive Bids and Award Contract for SV 54.

STAFF CONTACT INFORMATION

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov



Engineering Department

DATE: April 20, 2020
FROM: Gabe Schell, City Engineer
ITEM: Sewer Utility Project SU 76

REQUEST

Request to Receive Bids and Award Contract for SU 76

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Sewer Utility Project SU 76 is a storm water maintenance project to remove sediment and maximize the storage capacity within an existing storm water conveyance and detention pond area.

The detention area is located in Sattler's Sunrise 8th and 9th Additions and is bounded by lots along Frost Lane, Maltby Street and Doubleday Drive with Calgary Avenue and Hitchcock Drive marking the upstream and downstream limits of the pond. Bismarck's Park and Recreation District is the owner of the parcel and plans to install a multi-use trail through a separate federally funded project. The future multi-use trail will not impact the operation of the conveyance and detention area. The project includes the installation of a box culvert for the multi-use trail crossing of the drainage way. Letters to adjacent landowners were sent in April 2020 to inform them of the project and to remove any encroachments (fences, trees, etc) from the drainage easement prior to construction.

The engineer's estimate for SU 76 is \$238,674.00. Bids will be received on April 27, 2020. The bid summary and project budget will be distributed prior to the commission meeting. In addition to onsite mitigation of impacts to jurisdictional wetlands, Ducks Unlimited was utilized for additional offsite mitigation. Compensation to Ducks Unlimited is included in the project budget.

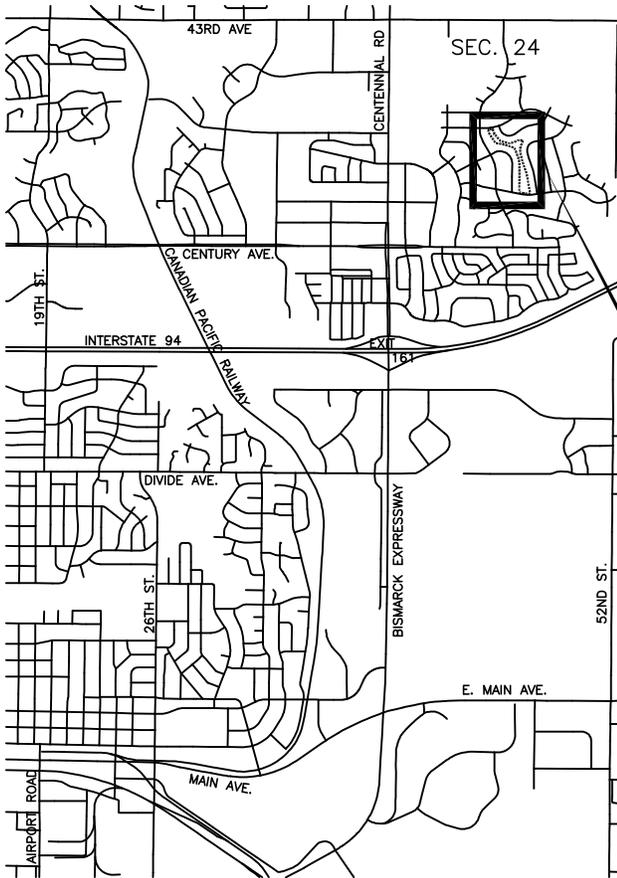
This project is included in the 2020 CIP. Funding for this project is provided by Public Works Utility Operations. All costs associated with the box culvert will be paid by Bismarck Park and Recreation.

RECOMMENDED CITY COMMISSION ACTION

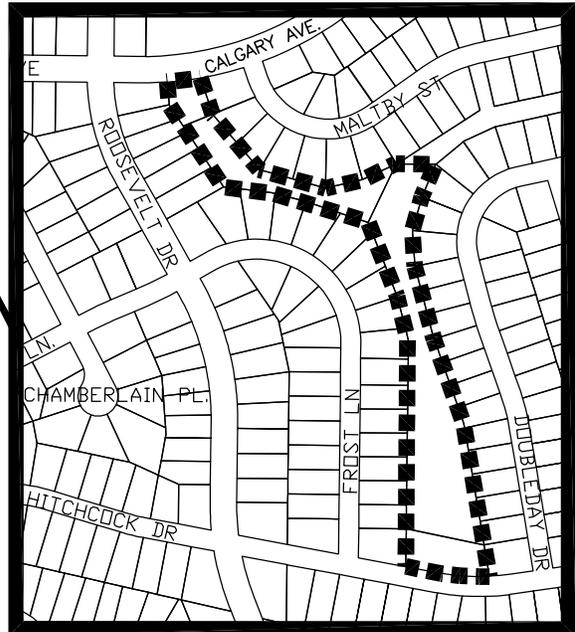
Receive Bids and Award Contract for SU 76.

STAFF CONTACT INFORMATION

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov



SU 76 - UNITS 1 & 2





Engineering Department

DATE: April 21, 2020
FROM: Gabe Schell, City Engineer
ITEM: 2020 Construction Update

REQUEST

Receive update on 2020 Construction Projects

Please place this item on the 4/28/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Engineering Department prepares an annual construction map (attached) displaying the locations of the different types of construction activity the residents of Bismarck may see in the upcoming construction season. This map serves as a high level overview of activity and serves as a resource for interested parties to refer to with questions.

Additional protocols have been put in place and share with our contracting industry regarding COVID-19 to limit exposure to city staff, contractor workforce and the general public during the construction of infrastructure in our community. These protocols involve limiting face-to-face interaction, remote coordination meetings, social distancing and enhanced communication.

The 2020 Construction Map, frequently asked questions for our special assessment projects and other construction related updates can be found at www.bismarcknd.gov/streets.

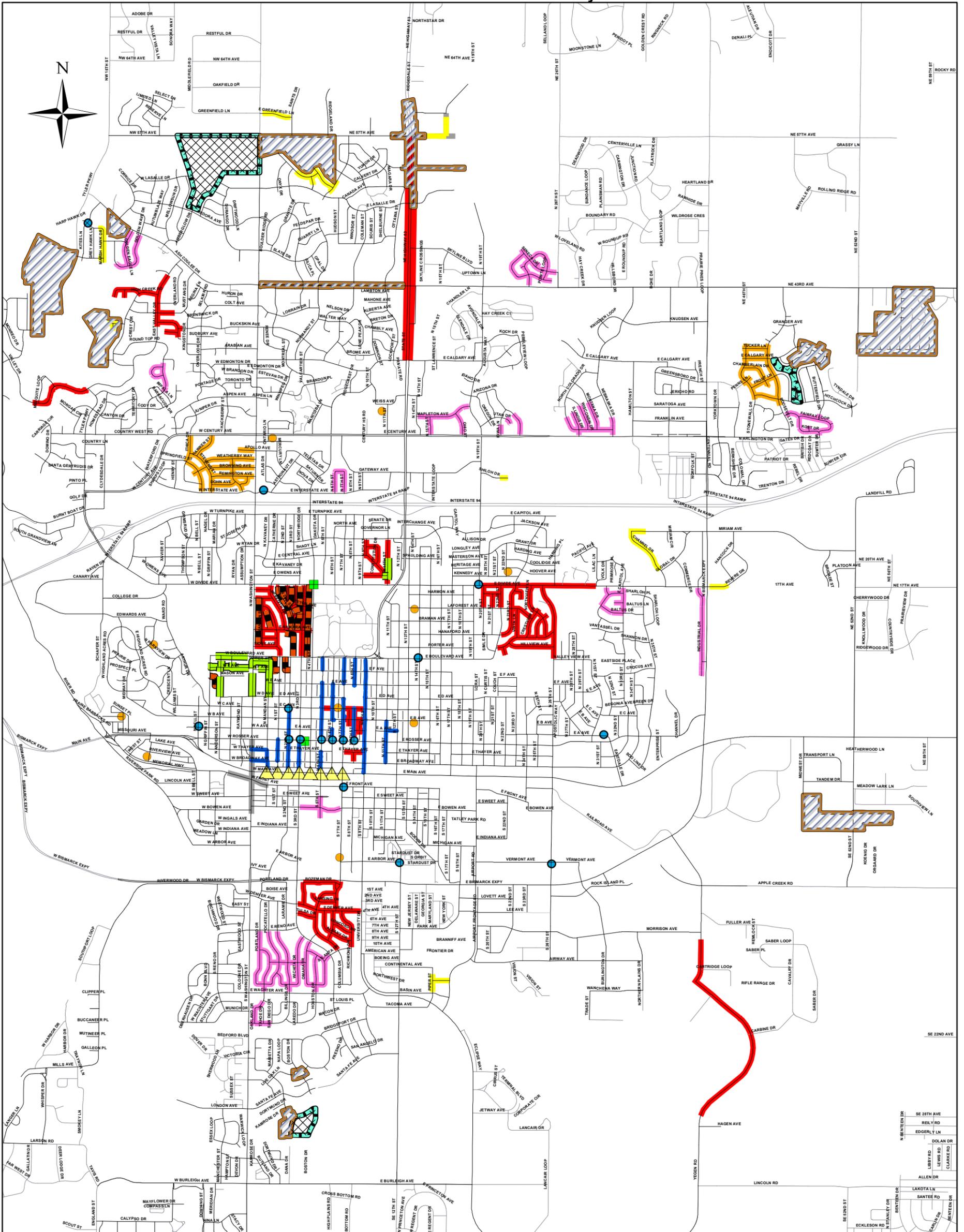
RECOMMENDED CITY COMMISSION ACTION

Receive update on 2020 Construction Projects.

STAFF CONTACT INFORMATION

Gabe Schell, PE, City Engineer, 355-1505, gschell@bismarcknd.gov

2020 Construction Projects



Misc. Areas Not Shown - Sidewalk, Driveways, Ramp Repairs.

- Asphalt Pavement Rehabilitation
- New Development (Ongoing & Proposed)
- Concrete Pavement Repair
- Watermain Replacement
- Scrub Seal
- Street Lighting
- Chip Seal
- Street Lighting Conductor Replacement
- Storm Water Improvements
- Street Lighting Feedpoint Replacement
- Traffic Signal Upgrades
- Watermain Valve & Hydrant Upgrades
- Sewer Lining Project
- Intersection Improvements

Updated: 4/15/2020



City Attorney

DATE: April 22, 2020

FROM: Janelle Combs, City Attorney

ITEM: Public comment and public hearings

REQUEST

Receive update on public participation in City meetings and provide direction to staff.

Please place this item on the 4/28/2020 City Commission consent meeting agenda.

BACKGROUND INFORMATION

The City has worked diligently to provide multiple methods of access to public hearings and regular public meetings since the CDC guidelines for limiting the number of people in a room have been provided in light of COVID-19. At this time, all City public meetings are occurring either on Zoom with Dakota Media Access providing, at minimum, a recording of the event, or most often live coverage on cable access, radio and internet. The recording of those meetings is then available usually within 24 hours or less on Dakota Media Access' website. As a backup, if we cannot get DMA coverage, we have done the meetings with Microsoft Teams or Facebook Live with links publicized on our website and social media. All City public meetings then meet and greatly exceed North Dakota laws for public meetings.

There has been feedback that public comment and public hearings should not happen while the pandemic continues. At this time, for public hearings, we are able to always allow individuals to write letters or emails, which we provide to the Commission members and include with the minutes. The public is also free to attend the meeting in person. We have screening protocols so that ill members of the public cannot come in, but if they are well, they can attend. We have multiple contingency plans to adjust and stage entrance to the Commission room, with the public able to hear and see the meetings on television in the City/County building and then are ushered to the chamber to speak when their item comes up. So far, we have had public speak but not had to use the staging protocol.

As an additional method of participation in public hearings, we offer the ability of the public to attend the meeting via Zoom. They just need to provide their e-mail address and item on which they wish to speak. Staff will provide them with an invitation. Once in the meeting, they would only be allowed to speak during the item they mentioned. But they would be able to be seen and heard. In addition, if someone has no camera, they could use our telephone call in number for participation in that particular meeting.

This meeting is the first that we have offered the opportunity for public comment to proceed as well. We have a link that will be provided if someone lets us know an email or phone number and it will give them access to participate. They would be able to move into the meeting during the public comment portion. Because of the issues with Zoombombing of graphics suddenly appearing on video conferences, we have only audio participation for those type of attendees. We could certainly try other methods as well, if the Commission would prefer.

We have made clear the many options for public participation for individuals calling in, but many do not feel it is enough. Many feel that business as usual should not continue while this pandemic is ongoing. Some feel that the elderly or vulnerable may not have the access or understand the access options to truly exercise their voice in items that are due for public hearings. Staff is seeking direction from the Commission as to whether we continue for some or all public hearings as we have detailed or if we need to pause or provide some other types of methods of participation.

RECOMMENDED CITY COMMISSION ACTION

Receive update on public participation in City meetings and provide direction to staff on how to proceed.

STAFF CONTACT INFORMATION

Janelle Combs | City Attorney, 355-1340 or jcombs@bismarcknd.gov