



Board of City Commissioners

June 23, 2026

Tom Baker Meeting Room	City/County Office Building	5:15 PM
	221 N. 5th St.	
	Bismarck, ND 58501	

The City of Bismarck encourages citizens to provide their comments for public hearing items on the Bismarck City Commission agenda via email to bismarckadmin@bismarcknd.gov by 3:30 PM on the day of the meeting. Please include the item number that your comment references. The comments will be sent to the members and placed with the minutes.

Live meeting coverage is available on Government Access Channels 2 & 602HD, RadioAccess 102.5 FM Radio, or streaming on multiple platforms, including DakotaMediaAccess.org and [Facebook LIVE](https://www.facebook.com/BismarckCityCommission).

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

CALL TO ORDER

FUTURE COMMISSION MEETINGS

July 14, 2026 & July 28, 2026
August 11, 2026 & August 25, 2026
September 8, 2026 & September 22, 2026

MISSION STATEMENT

Together, we deliver exceptional public service.

MEETING OF THE BOARD OF CITY COMMISSION

1. HUMANITARIAN AWARD PRESENTATIONS

2. PUBLIC COMMENT

- A. [Public Comment Policy](#): Restricted to items on the Consent Agenda, Regular Agenda, or the Prior City Commission Agenda, excluding public hearing items.

3. CONSENT AGENDA

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

- C. Consider approval of expenditures
- D. Consider the request for approval from the Administration Department for the following:
 - 1. Introduction of and public hearing on an application for a Class F-1 alcohol license by The Landing, LLC (dba) The Landing at 1700 River Road.
 - 2. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for North Nail and Lash, LLC (dba) North Nails at 4401 Coleman Street.
 - 3. Extension for Black Diamond Acres Wedding and Events LLC to utilize their Class D Liquor License.
 - 4. Gaming site authorization renewals.
- E. Consider the request for approval from the Bismarck Airport for the following:
 - 1. Purchase of tables, modular desk, and office chairs using North Dakota State Bid.
- F. Consider the request for approval from the Engineering Department for the following:
 - 1. Encroachment agreement with Bismarck Public School District No. 1 at 5210 Noble Drive for a digital monument sign.
 - 2. Closure of Canary Avenue and Edwards Avenue on the west side of the MDU Resources Community Bowl on Saturday, July 4, 2026, from 8:00 AM - 11:30 PM.
 - 3. Resolutions creating the district, ordering the preparation of the engineer's report, approving the engineer's report, and directing the preparation of the plans and specifications for Sewer Improvement District No. SE 588.
 - 4. Revised Project Budget for Street Improvement District SI 589.
 - 5. Resolution approving plans and specifications for Street Improvement District SI 590 and for Water Improvement District WA 334.
 - 6. Resolution receiving bids, ordering preparation of the Engineer's Statement and awarding the contract for Street Improvement District No. SI 600.
 - 7. Resolution receiving bids, ordering preparation of the Engineer's Statement and awarding the contract for Street Improvement District No. SI 602.
 - 8. Resolution creating the district, ordering the preparation of the engineer's report, approving the engineer's report, and directing the preparation of the plans and specifications for Street Improvement District No. SI 603.

9. Resolutions for declaring petitions have been received, creating the district, ordering the preparation of the engineer's report, approving the engineer's report, and directing the preparation of the plans and specifications for Street Improvement District No. SI 604.
- G. Consider the request for approval from the Human Resources Department for the following:
 1. Updated City of Bismarck Title VI Plan.
- H. Consider the request for approval from the Legal Department for the following:
 1. Introduction of and call for a public hearing on Ordinance 6672 to amend Chapter 7-02 Salary and Payroll and Chapter 7-03 of the City of Bismarck Code of Ordinances relating to Sales, Use, and Gross Receipts Tax.
- I. Consider the request for approval from the Planning Department for the following:
 1. Permission to accept an Historic Preservation Fund grant award of \$37,800.
 2. Permission to apply for a FY2026 Section 5307 grant.
- J. Consider the request for approval from the Public Works - Utility Operations Department for the following:
 1. Permanent easement acceptance for the Hay Creek Interceptor Project.
 2. Assumption agreement and water service contract amendment with the City of Lincoln.

4. **REGULAR AGENDA**

- A. Public Hearing on the request for a release of an existing Temporary Turnaround Easement within Lots 4 & 5, Block 4, Paradise Valley Addition and Lot 26, Block 2, Paradise Valley Second Addition.
- B. Public hearing on Ordinance 6670, a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential and P – Public zoning district, and major subdivision final plat titled Boulder Ridge Eighth Addition.
- C. Public hearing on a major subdivision final plat titled Clear Sky Second Addition and Ordinance 6671, a zoning map amendment from the R5 – Residential and A – Agricultural zoning districts to the R5 – Residential zoning district.
- D. Consider the request to receive an update on the Half-Cent Sales Tax for Roadways.
- E. Receive a presentation from Will Satler with the Funatix Events relating to the second annual Red, White, & Boom 4th of July celebration at the MDU Resources Community Bowl.

5. **COMMISSIONER SEND-OFF**

6. **OTHER BUSINESS**

ADJOURN



MEETING OF THE BOARD OF CITY COMMISSIONERS

6/9/2026 - MINUTES

CALL TO ORDER

The Board of City Commissioners met on June 9, 2026, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioners Connelly, Cleary, Risch, Zenker, and Mayor Schmitz were present.

FUTURE COMMISSION MEETINGS

June 23, 2026
July 14, 2026 & July 28, 2026
August 11, 2026 & August 25, 2026

MISSION STATEMENT

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MEETING OF THE BOARD OF CITY COMMISSION

1. PROCLAMATION

A. Britta Curl-Salemme

Mayor Schmitz read a proclamation declaring June 18, 2026, as Britta Curl-Salemme Day and signed a Certificate of Achievement to be presented to her at a later date.

B. David St. Peter

Mayor Schmitz read a proclamation declaring June 25, 2026, as Dave St. Peter day.

2. PUBLIC COMMENT

Restricted to items on the Consent Agenda, Regular Agenda, or the Prior City Commission Agenda excluding public hearing items.

A. [Public Comment Policy](#): Restricted to items on the Consent Agenda, Regular Agenda, or the Prior City Commission Agenda, excluding public hearing items.

A. Trevor Vannett addressed the Commission in support of Regular Agenda Item 4.A.

B. Jeff Stewart addressed the Commission in support of Regular Agenda Item 4.D to ensure children's safety.

3. **CONSENT AGENDA**

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

A. Consider approval of minutes

B. Consider approval of personnel actions

C. Consider approval of expenditures

Vouchers: 1132804-1133000.

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

1. Gaming site authorization renewals.

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

1. Development Agreement and Ground Lease Agreement with Infinity Aviation LLC for Hangar Development.

2. Sponsorship for the National Association of State Aviation Officials (NASAO) 2026 Annual Conference.

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

1. Permission to apply for BisMan Community Foundation Grant.

2. Permission to apply for North Dakota Health and Human Services Substance Use Prevention, Treatment and Recovery Services (SUPTRS) Community Block Grant Funding for 2026-2029.

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

1. Close Avenue A between 24th Street and 25th Street on August 28, 2026, from 1:00 PM to 9:00 PM for an event hosted by Grace Lutheran Brethren Church.
 2. Close 4th Street from Broadway Avenue north to the parking ramp driveway and also the Broadway Avenue parking lane east of 4th Street on Thursdays from July 9, 2026, through August 13, 2026, from 6:00 AM to 7:00 PM.
 3. Close 4th Street between Rosser Avenue and Avenue A on August 29, 2026, from 2:30 PM to 7:00 PM for the 3rd annual Block Party on 4th community event.
 4. Resolutions for declaring petitions have been received, creating the district, ordering the preparation of the engineer's report, approving the engineer's report, and directing the preparation of the plans and specifications for Park Improvement District No. PI 007.
 5. Amendment No. 5 with Apex Engineering Group, Inc. for design services related to the Federal Emergency Management Agency (FEMA) South Bismarck Flood Control Project.
 6. Resolution approving contracts and bonds for previously awarded special assessment projects.
 7. Dedication and acceptance of a sidewalk easement at 707 Airport Road.
- H. Consider the request for approval from the Bismarck Veterans Memorial Public Library for the following:
1. Appointment of Brent Ekstrom and Cecile Wehrman to serve three-year terms on the Library Board of Directors.
- I. Consider the request for approval from the Planning Department for the following:

1. Permission for Bis-Man Transit to submit Section 5339 SFY2027 Mid-Year Grant Application.
 2. Permission for Bis-Man Transit to purchase the REI bus camera system upgrades.
 3. Graham Addition, a minor subdivision final plat, where the Planning and Zoning Commission recommends approval.
 4. Vacate platted setback lines in Stein's Fourth Addition.
 5. Introduction of and call for a public hearing on Ordinance 6669, an annexation of Lot 45, Block 4, Silver Ranch Fifth Addition and the adjoining Davies Drive right-of-way, where the Planning and Zoning Commission recommends approval.
 6. Introduction of and call for a public hearing on Ordinance 6670, a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential and P – Public zoning district, and major subdivision final plat titled Boulder Ridge Eighth Addition, where the Planning and Zoning Commission recommends approval.
 7. Introduction of and call for a public hearing on a major subdivision final plat titled Clear Sky Second Addition and Ordinance 6671, a zoning map amendment from the R5 – Residential and A – Agricultural zoning districts to the R5 – Residential zoning district, where the Planning and Zoning Commission recommends approval.
- J. Consider the request for approval from the Public Works - Service Operations Department for the following:
1. Permission to donate or dispose of outdated Traffic Signal Controllers and Malfunction Management Units (MMU) to interested city governments within North Dakota.
 2. Permission to approve change orders and amendment to contracts for the Library Restroom Renovation.

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

1. Task Order No. 8 with Apex Engineering for Collection System Master Planning.

4. **REGULAR AGENDA**

A. Consider the request from the Bis-Man Transit Board to establish a Bus Voucher Program.

Diedre Hughes, Executive Director of Bis-Man Transit, presented a request for Bis-Man Transit (Transit) to authorize the use of \$5,000 in public transportation sales tax funding for the purchase of Capital Area Transit (CAT) fixed-route bus passes. Director Hughes explained that the Transit Finance Board and Mayor Schmitz met in May, and recommended that the City Commission authorize \$5,000 in sales tax funding be used to purchase fixed-route CAT bus passes. Under the recommended structure, the City would determine which agencies are eligible to receive passes, and each approved agency would track and report its own distribution data. Transit would only facilitate the distribution of pre-purchased passes and would not determine agency eligibility, trip purposes, or program rules.

During discussion, it was clarified that structuring the funds as a direct grant to the transit system would create complications with federal funding requirements, and a bulk-purchase model avoids such issues. The Transit Board recommended using one-day or one-way passes to simplify tracking and ensure clearer usage reporting. Commissioners discussed that 2026 would function as a pilot year for the program with future decisions to be addressed in upcoming budget cycles. The potential role of the Community Development Advisory Committee (CDAC) in vetting agency applications was also raised, and staff confirmed that CDAC could assist if requested by the Commission.

Commissioner Zenker moved to approve as presented and Commissioner Cleary seconded.

Discussion:

- Commissioner Connelly noted that the funding offers useful flexibility, and although transit has had a rough history, it's been managed responsibly. Many community transportation needs remain unmet, and some people even lose jobs because they can't reach workplaces like Bobcat, and Transit can't always adapt. With few other service providers available, they're in a difficult spot but are pushing forward by exploring new ideas and solutions. They emphasize the need to keep momentum going.
- Mayor Schmitz asked the Commission if they wanted to utilize the CDAC to vet the applications and gather information for the Commission.
- Commissioner Risch asked if the Transit Board could vet the applications and asked if the \$5,000 would be an adequate amount to meet the needs.

- Commissioner Zenker recommended allocating the funds and letting City Administration determine the necessary means to manage it.

Upon a roll call vote, all voted aye. M/C.

- B. Consider the recommendation from the Vision Fund Committee to support a Flex PACE program interest buy-down for Maximized Chiropractic.

Noah Vroman of the Bismarck-Mandan Chamber EDC introduced a Vision Fund Flex PACE interest buy-down request of up to \$107,692.36 for Maximized Chiropractic. Dr. Alex Coleman, owner of Maximized Chiropractic in Bismarck, presented an overview of the clinic's growth and plans for expansion. The clinic has doubled in staff in the last two years and intends to double again with the addition of expanded pediatric therapy services. The practice focuses on prenatal, pediatric, and family care and has recently added pediatric occupational therapy to address gaps in coordinated care for local families. Dr. Coleman highlighted challenges within the community, including fragmented pediatric care and the transfer of University of Mary therapy graduates out of the state due to limited local opportunities and lower salaries, and noted the clinic's ability to offer higher-than-average wages due to its established operational model. The proposed project involves purchasing and renovating the building at 1720 Burnt Boat Drive with \$600,000 to \$700,000 immediately going to modernize the facility and create flexible long-term community value. The first phase of the expansion is expected to create four new high-paying therapy positions, with additional growth anticipated by 2028. The long-term vision is to strengthen access to preventative healthcare for young families in Bismarck while contributing to local workforce retention and economic activity.

Commissioner Connelly moved to approve as presented and Commissioner Zenker seconded.

Discussion:

- Commissioner Connelly noted that the program is not a tax break but rather an actual loan.

Upon a roll call vote, all voted aye. M/C.

- C. Public hearing on Ordinance 6665, a zoning map amendment from the A – Agricultural and MA – Industrial zoning districts to the MA – Industrial zoning district, Ordinance 6666, an annexation, and JMAC Industrial Second Addition, a major subdivision final plat.

Daniel Nairn, Planning Director, introduced Ordinance 6665, a zoning map amendment from the A – Agricultural and MA – Industrial zoning districts to the MA – Industrial zoning district, and Ordinance 6666, an annexation, and JMAC Industrial Second Addition, a major subdivision final plat for public hearing and approval.

Mayor Schmitz opened the public hearing.

- Landon Niemiller, a representative of Swenson, Hagen & Company, noted that the 40-foot strip is being added to clean up the property boundary and bring it into alignment with the rest of the already annexed, AG zoned land. The second addition largely mirrors the first, with only minor lot line adjustments to improve marketability and allow room for future turning lanes on 19th. Final development

details will be determined later through the developers agreement and applicable codes.

Commissioner Risch moved to approve as presented and Commissioner Zenker seconded.

Discussion:

- Commissioner Zenker noted that he thinks it is a good project as it provides industrial shovel ready land.

Upon a roll call vote, all voted aye. M/C.

D. Public hearing on Ordinance 6667 to amend Section 12-03-08 of the City of Bismarck Code of Ordinances relating to Violations of Registration Provisions and to enact Section 12-05-12 of the City of Bismarck Code of Ordinances relating to Speed in School Zone.

Mayor Schmitz opened the public hearing.

- Dr. Fastnacht, Superintendent of Bismarck Public Schools, voiced support for proposed revisions that would let the City Engineer adjust school zones when needed. He emphasized the school district's ongoing collaboration with the City and highlighted the importance of student safety. Dr. Fastnacht stated that the school district supports the changes as another step toward improving safety in school zones.

Commissioner Cleary moved to approve as presented and Commissioner Risch seconded.

Discussion:

- Mayor Schmitz noted that this policy applies to all school zones, whether public or private, and wants to ensure that funding is secured for signage and lights, and that he supports additional funding for the items if they fall outside of the current budget.

Upon a roll call vote, all voted aye. M/C.

E. Public hearing on Ordinance 6668 to amend Title 7-01 of the City of Bismarck Code of Ordinances, relating to purchasing thresholds.

Eric Lund, Acting Director, introduced Ordinance 6668, which addresses procurement thresholds to match the adopted procurement policy. The only significant change to Section 7-01-03 is updating and clarifying the language and increasing the purchasing threshold from \$50,000 to \$100,000, to align with the newly adopted procurement policy.

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

Commissioner Cleary moved to approve as presented and Commissioner Risch seconded. Upon a roll call vote, all voted aye. M/C.

- F. Consider the request to release part of the stormwater and drainage easement on Lot 2, Block 1, Frank Addition.

Daniel Nairn, Planning Director, presented a request for the release of part of the stormwater and drainage easement on Lot 2, Block 1, Frank Addition. The request is to release a small 2.5-foot portion of the stormwater and drainage easement, so the adjacent parking lot can extend slightly onto it. City Engineering and the Planning Department recommend approval of the change.

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

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

5. **OTHER BUSINESS**

- A. Commissioner Risch noted that he received complaints from residents with concern about e-bikes and e-scooters being ridden too fast and by children who are too young. He added that the Police Department has received complaints about unsafe behavior such as riding on sidewalks and running red lights. The Police and Legal Departments are working together on a new ordinance to address the concerns as the current technology has outpaced local rules. Commissioner Risch added that he wants the public to know that the City is taking the issue seriously and that new regulations are being developed.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 6:10 PM.

PERSONNEL ACTIONS FOR THE MEETING ON JUNE 23, 2026

<u>Full-Time and Part-Time Appointments</u>	<u>Department</u>	<u>Status/Action</u>	<u>Date</u>
Romsaas, Kirk – Building Service Worker	Airport	Full-Time	06/09/2026
Skor, Ryan – Finance Director	Finance	Full-Time	07/06/2026
Olivier, Teresa – Administrative Assistant	Fire	Part-Time	06/29/2026
Thorp, Jodi – Senior Human Resources Generalist	HR	Full-Time	07/13/2026
Deibert, Samantha – Deputy Court Clerk	Municipal Court	Full-Time	06/22/2026
LeFevre, Grace – Deputy Court Clerk	Municipal Court	Full-Time	06/22/2026
Haley, Dahl – Police Officer	Police	Full-Time	07/13/2026
Johnson, Isaiah – Forestry Tech	PW-Services	Part-Time	06/15/2026
Lundstrum, Tyler – Wastewater Treatment Plant Operator – PW-Utilities		Full-Time	06/15/2026

Separations

Jackosky, Hunter – Police	Police	Full-Time	05/20/2026
Wood, Kristy – Community Health Nurse	Public Health	Part-Time	05/28/2026
Cowan, Dalton -Heavy Equipment Operator	PW-Services	Full-Time	06/04/2026
Diehl, Delvin – Heavy Equipment Operator	PW-Services	Full-Time	05/14/2026
Ham, Jennifer – Customer Service Rep I	PW-Utility	Full-Time	06/11/2026
Hartmann, Raymond – Maintenance Worker	PW-Utility	Part-Time	06/04/2026
Marcellais, Clayton – Waste Water Plant Operator I	PW-Utility	Full-Time	05/18/2026

Others

Binder, Payton - 911 Senior Comm Specialist	Cen Com	Full-Time	05/24/2026
Hartmann, Shania – 911 Senior Comm Specialist	Cen Com	Full-Time	05/24/2026
Schimke, Annika - 911 Senior Comm Specialist	Cen Com	Full-Time	05/24/2026
Bennington, Brennan – Police Corporal	Police	Full-Time	06/07/2026

Benske, Tanner – Police Corporal	Police	Full-Time	06/07/2026
Jensen, Richard – Police Corporal	Police	Full-Time	06/07/2026
Kraft, Zachary – Police Corporal	Police	Full-Time	06/07/2026
Lemieux Jr., Danny – Police Corporal	Police	Full-Time	06/07/2026
Moritz, Nicole – Police Corporal	Police	Full-Time	06/07/2026
Nordick, Wade – Police Corporal	Police	Full-Time	06/07/2026
Olson, Marshall – Police Corporal	Police	Full-Time	06/07/2026
Petersen, Joseph – Police Corporal	Police	Full-Time	06/07/2026
Schlecht, Collin – Police Corporal	Police	Full-Time	06/07/2026
Schmidt, Trevor – Police Corporal	Police	Full-Time	06/07/2026
Tokach, Tristan – Police Corporal	Police	Full-Time	06/07/2026
Verselft, Anthony – Police Corporal	Police	Full-Time	06/07/2026
Zabel, Christopher – Police Corporal	Police	Full-Time	06/07/2026
Schiermeister, Chad – Roads & Streets Superintendent – PW-Services		Full-Time	06/07/2026
Duppong, Isaac – Maintenance Tech	PW-Utilities	Full-Time	06/07/2026



Administration Department

DATE: June 23, 2026

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Application for a new Class F1 - Restaurant Full Alcohol License

REQUEST:

Introduction of and public hearing on an application for a Class F-1 alcohol license by The Landing, LLC (dba) The Landing at 1700 River Road.

BACKGROUND INFORMATION:

The Landing, LLC (dba) The Landing is applying for a class F-1 - Restaurant Alcoholic Beverages license at 1700 River Road.

Class F. To any restaurant applicant for a food and beverage license to sell at retail, subject to the following: Class F-1 - Alcoholic beverages

1. Gross sales of alcoholic beverages may not be greater than 45 percent of total gross sales of food and alcoholic beverages. All Class F license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The board of city commissioners may, 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 F 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 restaurant complies with state law regarding minors in licensed premises as listed in North Dakota Century Code Title 5.
3. The license is for on-sale only, and off-sale is not permitted. A cessation of business at a licensed location for a period of ninety days or longer shall constitute cause to revoke such license pursuant to section 5-01-09.
4. Once a license has been established at a particular location, the license may not be transferred to another location.
5. Minors are allowed on the licensed premises only as permitted by NDCC Section 5-02-06.

RECOMMENDED CITY COMMISSION ACTION:

Call for a public hearing on the Class F-1 Restaurant Alcoholic Beverages license for The Landing, LLC (dba) The Landing at 1700 River Road.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. The Landing Application_Redacted



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

LAST REVISED: 4/17/2026

APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

License Type:	☒ New Application	☐ Renewal	☐ Transfer	☐ Relocation
Class A: Nationally Organized Fraternal Order or Club ☐ \$3,725	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building ☐ \$675	Class B-2: Concession at the Bismarck Municipal Country Club ☐ \$675	Class B-3: Commercial passenger vessels on the Missouri River ☐ \$675	Class B-4: Sale of Beer & Wine at the Bismarck Event Center ☐ \$675
Class B-5: Sale of Alcoholic Beverages at Bismarck Parks & Recreation Locations ☐ \$675	Class B-6: Commercial Airline ☐ \$675	Class C-1: Hotel or Motel Full Service ☐ \$3,825	Class C-2: Hotel or Motel ☐ \$1,025	Class D: Sale at Retail of Alcoholic Beverages ☐ \$4,125
Class E: Sale at Retail of Beer Only ☐ \$825	Class F-1: Restaurant - Alcoholic Beverages ☒ \$3,525	Class F-2: Restaurant - Beer & Wine Only ☐ \$1,125	Class G: Catered Retail Alcoholic Beverages ☐ \$675	Class H-1: Domestic Winery ☐ \$825
Class H-2: Domestic Brewery ☐ \$825	Class H-3: Domestic Distillery ☐ \$825	Class I-1: Senior Living Community ☐ \$375	Class I-2: Complimentary ☐ \$375	

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

All Class C-2 license holders shall file with the application for license renewal a report verifying that the value of the alcoholic beverages sold did not exceed the value of the alcoholic beverages given to or otherwise provided to registered customers and their guests.

Location Information:

Legal Business Name: The Landing LLC	Date of Incorporation:	State Business ID Number:
Doing Business As (DBA) Name, if Applicable: The Landing	If out of state corporation, is corporation registered in North Dakota? ☐ Yes ☐ No	
Location Address: 1700 River Road	City: Bismarck	State: ND
	Zip: 58504	Phone Number: (701) 306-9887
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): Michelle Kaufman, Vice President		

Contact Information (Where correspondence is to be sent):

Primary Contact: Michelle Kaufman	Phone Number: (701) 306-9887	Email Address: [REDACTED]
Mailing Address: 1700 River Road	City: Bismarck	State: ND
		Zip: 58504

Manager's Name: Kirsten Heid	Date of Birth: 6/13/77	Percentage of Ownership: [REDACTED]
Driver's License Number: [REDACTED]	State Issued: ND	Gender: Female
		Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND
		Zip: 58504
Occupation: Management	Phone Number: [REDACTED]	Title: President
		Email Address: [REDACTED]

List all officers or directors of corporation or partners and percentage of ownership:			
Name: Kirsten Heid		Date of Birth: 6/13/77	Percentage of Ownership: [REDACTED]
Driver's License Number: [REDACTED]	State Issued: ND	Gender: Female	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58504
Occupation: Management	Phone Number: [REDACTED]	Title: President	Email Address: [REDACTED]

Name: Michelle Kaufman		Date of Birth: 07/16/1984	Percentage of Ownership: 20
Driver's License Number: [REDACTED]	State Issued: ND	Gender: Female	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58504
Occupation: Management	Phone Number: [REDACTED]	Title: Vice President	Email Address: [REDACTED]

Name: Stephen Vetter		Date of Birth: 12/19/94	Percentage of Ownership: [REDACTED]
Driver's License Number: [REDACTED]	State Issued: ND	Gender: Male	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58503
Occupation: Management	Phone Number: [REDACTED]	Title: Secretary	Email Address: [REDACTED]

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

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

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

☒ Yes ☐ No

If no, please explain:

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

☒ Yes ☐ No

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

plea agreement attached

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

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

☐ Yes ☒ No

If yes, please give details:

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

☒ Yes ☐ No

If yes, please give details:

Owners are members of several other businesses in the Bismarck/Mandan area.

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☒ Yes ☐ No

If yes, please give details:

attached.

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

☐ Yes ☒ No

If yes, please give details:

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

☒ Yes ☐ No

If no, please give details:

Signature:

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

Michelle Kaufman
Signature of Applicant

5/24/24
Date

Michelle Kaufman
Print Name / Title of Officer

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

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

Business Name _____

Applicant Business Name _____

Original License Holder Name Printed _____

Transfer Applicant Name Printed _____

Original License Holder Signature _____

Transfer Applicant Signature _____

State of _____

Subscribed and sworn to before me this _____

County of _____

day of _____

Notary Seal

Notary Public _____

My Commission Expires _____

STATE OF NORTH DAKOTA

IN MUNICIPAL COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

City of Bismarck,

Plaintiff,

vs.

Michelle Sue Kaufman,

Defendant.

PLEA AGREEMENT

Case No. BI-2021-CR-01936

Pursuant to the provisions of Rule 43, N.D.R.Crim.P., the undersigned, who is the defendant in the above-entitled action, hereby consents to the arraignment, plea, trial, and imposition of sentence in her absence and waives personal appearance at all stages of the proceedings in the above-entitled action.

I authorize Justin Vinje to appear for me and to enter a plea of guilty or not guilty. If my attorney enters a plea of guilty, I authorize him to establish a factual basis for that plea.

1) I have been informed of the nature of the charge against me and have been informed of the maximum and minimum penalties which the Court may impose. I have also been informed that if I am convicted that the Court may place me on probation subject to terms and conditions which I must obey.

2) I have been informed that I have the right to remain silent and that any statement I make can later be used against me.

3) I have been informed that I have the right to the assistance of a lawyer at each and every stage of the proceedings in this case and have been informed that I have the right to have legal services provided for me at public expense to the extent that I am unable to provide for my defense without due hardship.

4) I have been informed that I have the right to be admitted to reasonable bail.

 1711

5) I have been informed that I have the right to plead not guilty and to persist in that plea and that the law presumes that I am innocent and the prosecution has the burden of proving my guilt by evidence beyond a reasonable doubt before I can be convicted.

6) I have been informed that I have the right to testify at any trial of this action, but that I do not have to testify and the judge or jury cannot draw any unfavorable inference if I choose not to testify, and the prosecutor cannot comment upon my failure to testify.

7) I have been told that if there is a trial of this action, that I have the right to be personally present and to be represented by my attorney and that I have the right to confront the witnesses against me face to face in open court.

8) I have been informed that I have the right to a trial by a jury of twelve persons; I further understand that with the consent of the Court and the prosecuting attorney, I have the right to waive a trial by jury and agree to a trial by the Court. I specifically authorize my attorney to decide whether or not I will request a court trial.

9) I have been informed that if I or one of my attorneys enters a plea of guilty to the charges, there will not be a further trial of any kind and that by pleading guilty I will be giving up nearly all of the foregoing rights and that the Court will enter a judgment finding me guilty of the offenses with which I am charged. I further understand that, unless there is a plea agreement, that if I plead guilty or my attorney pleads guilty for me, the judge may impose any sentence he deems just up to the maximum sentence which can be imposed.

10) With full knowledge of my rights, I respectfully request the Court to allow my attorney to appear for me at all stages of the proceedings, and to permit this action to proceed without requiring my personal appearance or presence.

PLEA AGREEMENT

The defendant and the City of Bismarck hereby enter the following plea agreement:

1. The defendant hereby pleads guilty to the charge of Driving Under the Influence, a Class B misdemeanor.

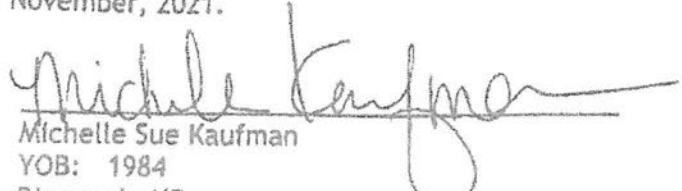
2. The defendant shall pay a fine in the amount of \$500.00 to the Bismarck Municipal Clerk of Court in monthly installments of at least \$75.00 beginning December

15, 2021.

3. The defendant shall be sentenced to ten (10) days in the Burleigh County Detention Center with all ten (10) days suspended for a period of three hundred sixty (360) days of unsupervised probation, contingent upon the following:

- a. The defendant shall pay all fines and fees as directed by the Court;
- b. The defendant shall have no criminal violations during the period of unsupervised probation, three hundred sixty (360) days; and
- c. The defendant shall submit to a chemical dependency evaluation and provide proof to the Court that she has done so within ninety (90) days of the entry of judgment herein, completing any recommended treatment within one hundred eighty (180) days.

Dated this 22nd day of November, 2021.

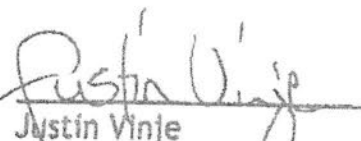

Michelle Sue Kaufman
YOB: 1984
Bismarck, ND

Dated this 26th day of November, 2021.

/s/ Julie Mees

Julie Mees
Bismarck Asst. City Attorney
N.D. State Bar ID #09500

Dated this 22 day of November, 2021.


Justin Vinje
Attorney for Defendant
N.D. State Bar ID #06066

RECEIVED

Other Alcohol Establishments Owned or managed all or in part by Kirsten Heid, Michelle Kaufman, and Stephen Vetter:

Venue Twenty5 : Kirsten Heid and Michelle Kaufman

The Post: Kirsten Heid and Michelle Kaufman

The Paddle Trap: Stephen Vetter and Michelle Kaufman

Shakers on 3rd: Stephen Vetter and Michelle Kaufman

5th Underground: Michelle Kaufman

Sixteen03 Main Events: Michelle Kaufman



Administration Department

DATE: June 23, 2026

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Application for a new Class I-2: Complementary Alcohol License

REQUEST:

Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for North Nail and Lash, LLC (dba) North Nails at 4401 Coleman Street.

BACKGROUND INFORMATION:

North Nail and Lash, LLC (dba) North Nails is requesting the issuance of a new Class I-2: Complementary Alcohol license at 4401 Coleman Street.

Class I-2. To an applicant for the complementary provision of “on-sale” only beer, wine, and liquor, subject to the following conditions:

- a. The applicant must be a business with a permanent location within the City of Bismarck.
- b. The dispensing of alcohol is only to customers on the licensed premises without any additional charge for the alcoholic beverage.
- c. The license is for “on-sale” only, and “off-sale” is not permitted. A cessation of business at a licensed location for a period of ninety days or longer shall constitute cause to revoke such license pursuant to Section 5-01-09.
- d. Once a license has been established at a particular location, the license may not be transferred to another location.
- e. A licensee may not obtain an event permit pursuant to Section 5-01-13 except on real property owned in the name of the licensee.
- f. The licensee must obtain and keep in effect off-premises alcohol liability insurance and provide the City proof of insurance with its license application.

RECOMMENDED CITY COMMISSION ACTION:

Call for a public hearing on the request for a new Class I-2, Complementary Alcohol, from North Nail and Lash, LLC (dba) North Nails at 4401 Coleman Street.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. North Nails Application - Redacted



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

LAST REVISED: 4/17/2026

APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

License Type:		☒ New Application	☐ Renewal	☐ Transfer	☐ Relocation
Class A: Nationally Organized Fraternal Order or Club ☐ \$3,725	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building ☐ \$675	Class B-2: Concession at the Bismarck Municipal Country Club ☐ \$675	Class B-3: Commercial passenger vessels on the Missouri River ☐ \$675	Class B-4: Sale of Beer & Wine at the Bismarck Event Center ☐ \$675	
Class B-5: Sale of Alcoholic Beverages at Bismarck Parks & Recreation Locations ☐ \$675	Class B-6: Commercial Airline ☐ \$675	Class C-1: Hotel or Motel Full Service ☐ \$3,825	Class C-2: Hotel or Motel ☐ \$1,025	Class D: Sale at Retail of Alcoholic Beverages ☐ \$4,125	
Class E: Sale at Retail of Beer Only ☐ \$825	Class F-1: Restaurant - Alcoholic Beverages ☐ \$3,525	Class F-2: Restaurant - Beer & Wine Only ☐ \$1,125	Class G: Catered Retail Alcoholic Beverages ☐ \$675	Class H-1: Domestic Winery ☐ \$825	
Class H-2: Domestic Brewery ☐ \$825	Class H-3: Domestic Distillery ☐ \$825	Class I-1: Senior Living Community ☐ \$375	Class I-2: Complimentary ☒ \$375		

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

All Class C-2 license holders shall file with the application for license renewal a report verifying that the value of the alcoholic beverages sold did not exceed the value of the alcoholic beverages given to or otherwise provided to registered customers and their guests.

Location Information:

Legal Business Name: North Nails		Date of Incorporation: 04/28/2026	State Business ID Number: 40-2069612
Doing Business As (DBA) Name, if Applicable: North Nails		If out of state corporation, is corporation registered in North Dakota? ☐ Yes ☒ No	
Location Address: 4401 Coleman St	City: Bismarck	State: ND	Zip: 58503
Phone Number: 7147213666			
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): Duy Khoa Nguyen (President)			

Contact Information (Where correspondence is to be sent):

Primary Contact: Duy Khoa Nguyen	Phone Number: 7147213666	Email Address: [REDACTED]	
Mailing Address: 4401 Coleman St	City: Bismarck	State: ND	Zip: 58503

Manager's Name: Andy Bui		Date of Birth: 05/07/1972	Percentage of Ownership: [REDACTED]
Driver's License Number: [REDACTED]	State Issued: ND	Gender: Male	Race: Asian
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58503
Occupation: Nails Technician	Phone Number: [REDACTED]	Title: Manager	Email Address: [REDACTED]

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

Name: Duy Khoa Nguyen		Date of Birth: 11/23/1991	Percentage of Ownership:
Driver's License Number: [REDACTED]	State Issued: ND	Gender: Male	Race: Asian
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58503
Occupation: Nails Technician	Phone Number: [REDACTED]	Title: President	Email Address: [REDACTED]

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

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

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

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

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

☒ Yes ☐ No

If no, please explain:

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

☐ Yes ☒ No

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

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

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If no, please give details:

Signature:

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

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

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



Signature of Applicant

6/2/2020

Date

Duy Khoa Nguyen (President)

Print Name / Title of Officer

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

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

Business Name

Applicant Business Name

Original License Holder Name Printed

Transfer Applicant Name Printed

Original License Holder Signature

Transfer Applicant Signature

State of

Subscribed and sworn to before me this _____

County of

day of _____

Notary Seal

Notary Public

My Commission Expires

State of North Dakota

SECRETARY OF STATE



Certificate of Registration of North Nails

SOS Control ID#: 0007482235

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that a Trade Name Registration for

North Nails

duly signed pursuant to the provisions of the North Dakota statutes governing a trade name, has been received in this office and is found to conform to law.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Registration of

North Nails

which is owned by North Nail and Lash LLC.

Filed date: April 28, 2026

Expiration date: April 28, 2031

A handwritten signature in cursive script that reads "Michael Howe".

Michael Howe
Secretary of State

State of North Dakota

SECRETARY OF STATE



Certificate of Organization of North Nail and Lash LLC

SOS Control ID#: 0007479922

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that Articles of Organization for

North Nail and Lash LLC

duly signed and executed pursuant to the provisions governing a North Dakota limited liability company, have been received in this office and are found to conform to law.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Organization to

North Nail and Lash LLC

Effective date: April 22, 2026

Filed date: April 22, 2026

A handwritten signature in cursive script that reads "Michael Howe".

Michael Howe
Secretary of State

North Dakota Board of Cosmetology
4719 Shelburne St., Suite 1
Bismarck, ND 58503

Phone: (701) 224-9800
Email: bocinfo@nd.gov

Board Members

D'Arlyn Bauer
Emily Wilcox
Maureen Wanner
Jill Andres
Melissa Jordan

North Dakota State Board of Cosmetology
SALON OR INDEPENDENT LICENSEE LICENSURE

Expiration Date
12/31/2026

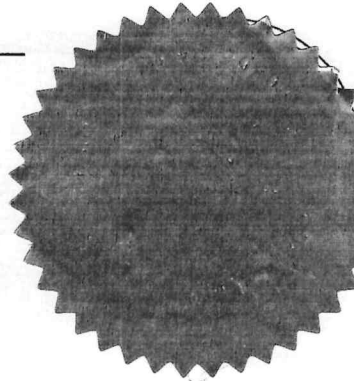
Owner: Duy Khoa Nguyen

License Number: 8667

North Nails
4401 Coleman St
Bismarck, ND 58503

**This license permits you to operate a Cosmetology
Establishment or as an Independent Licensee only on the
premises listed on this license.**

**This license must be conspicuously displayed in your place
of business and renewed before the expiration date.**



Maureen Wanner
Secretary/Treasurer



Administration Department

DATE: June 23, 2026

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Black Diamond Acres Wedding and Events LLC Extension

REQUEST:

Extension for Black Diamond Acres Wedding and Events LLC to utilize their Class D Liquor License.

BACKGROUND INFORMATION:

On September 23, 2025, the Board of City Commission accepted the bid from Black Diamond Acres Wedding and Events LLC bid of \$354,892.92 for a Class D Full-Alcohol On/Off-Sale License.

Black Diamond Acres Wedding and Events LLC is in the process of developing its venue, but due to circumstances beyond its control, construction has not yet begun. The license holder anticipates starting construction in the summer of 2026, with an estimated construction period of eighteen months. According to City Ordinance 5-01-09 (10), a liquor license may be revoked if the licensee does not conduct business for one year.

Therefore, the license holder is requesting that the City Commission allow an extension to implement the Class D license until the construction of their event venue location is completed.

RECOMMENDED CITY COMMISSION ACTION:

Approve Black Diamond Acres LLC. requests to receive extension to utilize their Class D Liquor License.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None



Administration Department

DATE: June 23, 2026

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Gaming Site Authorization Renewals

REQUEST:

Gaming site authorization renewals.

BACKGROUND INFORMATION:

Gaming site authorizations expire on June 30th of each year. The Bismarck Administration Department administers the annual gaming site authorizations and renewals. Please consider the request to approve the following applications for gaming:

- Carrie's Kids, Inc.
 - Jack's Steakhouse & Seafood - 1201 South 12th Street - 1/1/2027 - 6/30/2027
- Horse Race North Dakota
 - Tavern Grill Restaurant & Bar - 1802 North 12th Street - 7/1/2026-6/30/2027
- Larks Community Fund
 - Bismarck Municipal Ballpark - 303 West Front Avenue - 7/1/2026-6/30/2027

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None



Airport

DATE: June 23, 2026

FROM: Gregory Haug, Airport Director

ITEM: Furniture for Aircraft Rescue and Fire Fighting (ARFF) Building Expansion

REQUEST:

Purchase of tables, modular desk, and office chairs using North Dakota State Bid.

BACKGROUND INFORMATION:

Bismarck Airport has constructed an addition on to the ARFF Station to serve as a training room. The addition is near completion and will need to be furnished with tables, a modular desk system and office chairs for the small, attached office. Chairs for the training room in the building expansion are being purchased separately.

Ordinance 7-01-03 paragraph 5 allows purchases through ND State Bids upon approval of the City Commission. Airport staff plans to purchase nine flip-top tables, a modular desk system, and two office chairs for a total of \$17,201.24.

The total cost to purchase the tables, modular desk, and office chairs, is \$17,201.24. Funds for this purchase are in the approved airport spending plan. Enclosure 1, is the Bid response form from the ND State Procurement Office, with the furniture and discounts highlighted.

RECOMMENDED CITY COMMISSION ACTION:

Approve the purchase of nine tables, the modular desk system, and two office chairs through the ND State Bid for \$17,349.64 and allow staff to enter into contracts for the purchase.

STAFF CONTACT INFORMATION:

Gregory Haug, Airport Director, 701-355-1805, ghaug@bismarcknd.gov

Matthew Remyense, Assistant Airport Director, 701-355-1806, mremynse@bismarcknd.gov

ATTACHMENTS:

1. AIR - 1
2. AIR - 2



Contract Summary

Contract # NW972.A.005

Name: State of North Dakota/NASPO

Status: Active

Contract Type: Project - Complex

Region: 22 - North Central

Effective Date: 4/22/2026**Expire Date: 1/21/2028 11:59:59 PM**

Primary Sales Lead: Amy Sell/Herman Miller

Contract Manager: Benjamin Hanson/Herman Miller

Last Modified: 5/14/2026 11:52:26 AM

Customer

State of North Dakota

14th Floor Capitol Tower

600 E. Boulevard Avenue

Dept 012

Bismarck, ND 58505-0310

Account Type: Government - Std Price List

Parent Contract: 99999.A.000

CBC Code: 16

DUNs Number: 073131823

Ultimate DUNs: 999009999

Invoice: Dealer

Project

HMI Projected Volume (List): 15000.0000

City: Bismarck

State/Pr: ND

Country: US

Order Date: 04/01/2020

Ship Date: 05/01/2020

Install Date: 06/01/2020

Customer

Number	Name	Start Date	End Date
D099000	All Dealers per Authorized Regions Selected	04/22/2026	01/21/2028
	State of North Dakota	04/22/2026	01/21/2028

Sales Lead

Amy Sell/Herman Miller

Marie Hastings/Herman Miller

Pricing

Product	Low Range	High Range	End User	I
Discounts Program				
**Asari Chair (NU)	\$0.00	\$50,000.00	43.00%	
**Asari Chair (NU)	\$50,000.01	\$150,000.00	43.75%	
**Asari Chair (NU)	\$150,000.01	\$999,999,999.00	45.00%	
**Canvas Beam (FW)	\$0.00	\$50,000.00	68.00%	
**Canvas Beam (FW)	\$50,000.01	\$150,000.00	68.75%	
**Canvas Beam (FW)	\$150,000.01	\$999,999,999.00	70.75%	
**Canvas Group (FR)	\$0.00	\$50,000.00	68.00%	
**Canvas Group (FR)	\$50,000.01	\$150,000.00	68.75%	
**Canvas Group (FR)	\$150,000.01	\$999,999,999.00	70.75%	
**Keyn (TV)	\$0.00	\$50,000.00	48.75%	
**Keyn (TV)	\$50,000.01	\$150,000.00	49.00%	
**Keyn (TV)	\$150,000.01	\$999,999,999.00	49.50%	
**Limerick® Seating (PO)	\$0.00	\$50,000.00	52.50%	
**Limerick® Seating (PO)	\$50,000.01	\$150,000.00	52.75%	
**Limerick® Seating (PO)	\$150,000.01	\$999,999,999.00	54.50%	
**Metaform Portfolio (BL)	\$0.00	\$50,000.00	52.50%	
**Metaform Portfolio (BL)	\$50,000.01	\$150,000.00	52.75%	
**Metaform Portfolio (BL)	\$150,000.01	\$999,999,999.00	54.50%	
**NEM Guest Chairs- Brava (6K)	\$0.00	\$50,000.00	46.00%	
**NEM Guest Chairs- Brava (6K)	\$50,000.01	\$150,000.00	46.00%	
**NEM Guest Chairs- Brava (6K)	\$150,000.01	\$999,999,999.00	46.00%	
**NEM Guest Chairs- Dex (6I)	\$0.00	\$50,000.00	46.00%	
**NEM Guest Chairs- Dex (6I)	\$50,000.01	\$150,000.00	46.00%	
**NEM Guest Chairs- Dex (6I)	\$150,000.01	\$999,999,999.00	46.00%	
**NEM Lounge Seating- Lauderdale (6B)	\$0.00	\$50,000.00	46.00%	
**NEM Lounge Seating- Lauderdale (6B)	\$50,000.01	\$150,000.00	46.00%	
**NEM Lounge Seating- Lauderdale (6B)	\$150,000.01	\$999,999,999.00	46.00%	
**NEM Multiple & Tandem Seating-2700 (3K)	\$0.00	\$50,000.00	46.00%	
**NEM Multiple & Tandem Seating-2700 (3K)	\$50,000.01	\$150,000.00	46.00%	

**NEM Multiple & Tandem Seating-2700 (3K)	\$150,000.01	\$999,999,999.00	46.00%
**NEM Recliners- Pamona (6Q)	\$0.00	\$50,000.00	46.00%
**NEM Recliners- Pamona (6Q)	\$50,000.01	\$150,000.00	46.00%
**NEM Recliners- Pamona (6Q)	\$150,000.01	\$999,999,999.00	46.00%
**NEM Recliners-Leonard II (4P)	\$0.00	\$50,000.00	46.00%
**NEM Recliners-Leonard II (4P)	\$50,000.01	\$150,000.00	46.00%
**NEM Recliners-Leonard II (4P)	\$150,000.01	\$999,999,999.00	46.00%
**NEM Sleepers - Leonard II (6Z)	\$0.00	\$50,000.00	46.00%
**NEM Sleepers - Leonard II (6Z)	\$50,000.01	\$150,000.00	46.00%
**NEM Sleepers - Leonard II (6Z)	\$150,000.01	\$999,999,999.00	46.00%
**Smart Furnishings (LO)	\$0.00	\$50,000.00	47.00%
**Smart Furnishings (LO)	\$50,000.01	\$150,000.00	47.00%
**Smart Furnishings (LO)	\$150,000.01	\$999,999,999.00	47.00%
**Whisk (HX)	\$0.00	\$50,000.00	46.00%
**Whisk (HX)	\$50,000.01	\$150,000.00	46.00%
**Whisk (HX)	\$150,000.01	\$999,999,999.00	46.00%
Accessories (8)	\$0.00	\$50,000.00	68.00%
Accessories (8)	\$50,000.01	\$150,000.00	68.75%
Accessories (8)	\$150,000.01	\$999,999,999.00	70.75%
Action Office® 1 & AO2 Panels (B)	\$0.00	\$50,000.00	68.00%
Action Office® 1 & AO2 Panels (B)	\$50,000.01	\$150,000.00	68.75%
Action Office® 1 & AO2 Panels (B)	\$150,000.01	\$999,999,999.00	70.75%
Action Office® 2 Components (J)	\$0.00	\$50,000.00	68.00%
Action Office® 2 Components (J)	\$50,000.01	\$150,000.00	68.75%
Action Office® 2 Components (J)	\$150,000.01	\$999,999,999.00	70.75%
Aeron® Chairs (EC)	\$0.00	\$50,000.00	50.75%
Aeron® Chairs (EC)	\$50,000.01	\$150,000.00	51.00%
Aeron® Chairs (EC)	\$150,000.01	\$999,999,999.00	51.75%
Ambit Workspace Solutions (IH)	\$0.00	\$50,000.00	65.00%
Ambit Workspace Solutions (IH)	\$50,000.01	\$150,000.00	65.50%
Ambit Workspace Solutions (IH)	\$150,000.01	\$999,999,999.00	66.00%
American Leather (AM)	\$0.00	\$50,000.00	46.00%
American Leather (AM)	\$50,000.01	\$150,000.00	46.00%
American Leather (AM)	\$150,000.01	\$999,999,999.00	46.00%
Anchor (KLS)	\$0.00	\$50,000.00	68.00%
Anchor (KLS)	\$50,000.01	\$150,000.00	68.25%
Anchor (KLS)	\$150,000.01	\$999,999,999.00	68.50%
Antenna (KAW)	\$0.00	\$50,000.00	68.00%
Antenna (KAW)	\$50,000.01	\$150,000.00	68.25%
Antenna (KAW)	\$150,000.01	\$999,999,999.00	68.50%
Aside® Seating (PD)	\$0.00	\$50,000.00	52.50%
Aside® Seating (PD)	\$50,000.01	\$150,000.00	52.75%
Aside® Seating (PD)	\$150,000.01	\$999,999,999.00	54.50%
Autostrada (KAS)	\$0.00	\$50,000.00	68.00%
Autostrada (KAS)	\$50,000.01	\$150,000.00	68.25%
Autostrada (KAS)	\$150,000.01	\$999,999,999.00	68.50%
Axa (XA)	\$0.00	\$50,000.00	34.00%
Axa (XA)	\$50,000.01	\$150,000.00	34.25%
Axa (XA)	\$150,000.01	\$999,999,999.00	35.75%
Bay Work Pod (TM)	\$0.00	\$50,000.00	40.00%
Bay Work Pod (TM)	\$50,000.01	\$150,000.00	40.25%
Bay Work Pod (TM)	\$150,000.01	\$999,999,999.00	40.75%
Betwixt (LN)	\$0.00	\$50,000.00	34.00%
Betwixt (LN)	\$50,000.01	\$150,000.00	34.25%
Betwixt (LN)	\$150,000.01	\$999,999,999.00	35.75%
BOA Tables (BM)	\$0.00	\$50,000.00	66.00%
BOA Tables (BM)	\$50,000.01	\$150,000.00	66.25%
BOA Tables (BM)	\$150,000.01	\$999,999,999.00	66.75%
Burdick Group™ (Y)	\$0.00	\$50,000.00	46.00%
Burdick Group™ (Y)	\$50,000.01	\$150,000.00	46.00%
Burdick Group™ (Y)	\$150,000.01	\$999,999,999.00	46.00%
Canvas Channel (FZ)	\$0.00	\$50,000.00	68.00%

Canvas Channel (FZ)	\$50,000.01	\$150,000.00	68.75%
Canvas Channel (FZ)	\$150,000.01	\$999,999,999.00	70.75%
Canvas Dock (FD)	\$0.00	\$50,000.00	68.00%
Canvas Dock (FD)	\$50,000.01	\$150,000.00	68.75%
Canvas Dock (FD)	\$150,000.01	\$999,999,999.00	70.75%
Canvas Metal Storage (FM)	\$0.00	\$50,000.00	68.00%
Canvas Metal Storage (FM)	\$50,000.01	\$150,000.00	68.75%
Canvas Metal Storage (FM)	\$150,000.01	\$999,999,999.00	70.75%
Canvas Office Landscape Metal Desk (FK)	\$0.00	\$50,000.00	68.00%
Canvas Office Landscape Metal Desk (FK)	\$50,000.01	\$150,000.00	68.75%
Canvas Office Landscape Metal Desk (FK)	\$150,000.01	\$999,999,999.00	70.75%
Canvas Private Office (FV)	\$0.00	\$50,000.00	68.00%
Canvas Private Office (FV)	\$50,000.01	\$150,000.00	68.75%
Canvas Private Office (FV)	\$150,000.01	\$999,999,999.00	70.75%
Canvas Vista (FX)	\$0.00	\$50,000.00	68.00%
Canvas Vista (FX)	\$50,000.01	\$150,000.00	68.75%
Canvas Vista (FX)	\$150,000.01	\$999,999,999.00	70.75%
Canvas Wall (FT)	\$0.00	\$50,000.00	68.00%
Canvas Wall (FT)	\$50,000.01	\$150,000.00	68.75%
Canvas Wall (FT)	\$150,000.01	\$999,999,999.00	70.75%
Canvas Wood Storage (FF)	\$0.00	\$50,000.00	68.00%
Canvas Wood Storage (FF)	\$50,000.01	\$150,000.00	68.75%
Canvas Wood Storage (FF)	\$150,000.01	\$999,999,999.00	70.75%
Caper® Chair (WC)	\$0.00	\$50,000.00	52.75%
Caper® Chair (WC)	\$50,000.01	\$150,000.00	53.00%
Caper® Chair (WC)	\$150,000.01	\$999,999,999.00	54.00%
Chadwick Modular Seating (V)	\$0.00	\$50,000.00	46.00%
Chadwick Modular Seating (V)	\$50,000.01	\$150,000.00	46.00%
Chadwick Modular Seating (V)	\$150,000.01	\$999,999,999.00	46.00%
ColourForm Sofa Group (CU)	\$0.00	\$50,000.00	46.00%
ColourForm Sofa Group (CU)	\$50,000.01	\$150,000.00	46.00%
ColourForm Sofa Group (CU)	\$150,000.01	\$999,999,999.00	46.00%
Comma (WR)	\$0.00	\$50,000.00	44.00%
Comma (WR)	\$50,000.01	\$150,000.00	45.00%
Comma (WR)	\$150,000.01	\$999,999,999.00	46.00%
Commend (HQ)	\$0.00	\$50,000.00	66.50%
Commend (HQ)	\$50,000.01	\$150,000.00	66.75%
Commend (HQ)	\$150,000.01	\$999,999,999.00	68.50%
Cosm (FC)	\$0.00	\$50,000.00	50.50%
Cosm (FC)	\$50,000.01	\$150,000.00	50.75%
Cosm (FC)	\$150,000.01	\$999,999,999.00	52.50%
Cove Collection (KCC)	\$0.00	\$50,000.00	63.50%
Cove Collection (KCC)	\$50,000.01	\$150,000.00	64.00%
Cove Collection (KCC)	\$150,000.01	\$999,999,999.00	64.50%
C-Style Overhead Storage (CS)	\$0.00	\$50,000.00	68.00%
C-Style Overhead Storage (CS)	\$50,000.01	\$150,000.00	68.75%
C-Style Overhead Storage (CS)	\$150,000.01	\$999,999,999.00	70.75%
Cyclade Tables (F2)	\$0.00	\$50,000.00	38.00%
Cyclade Tables (F2)	\$50,000.01	\$150,000.00	38.00%
Cyclade Tables (F2)	\$150,000.01	\$999,999,999.00	38.00%
Dividends Skyline (KDH)	\$0.00	\$50,000.00	67.50%
Dividends Skyline (KDH)	\$50,000.01	\$150,000.00	68.00%
Dividends Skyline (KDH)	\$150,000.01	\$999,999,999.00	68.50%
Dividends Skyline Lounge (KDL)	\$0.00	\$50,000.00	56.00%
Dividends Skyline Lounge (KDL)	\$50,000.01	\$150,000.00	56.50%
Dividends Skyline Lounge (KDL)	\$150,000.01	\$999,999,999.00	57.00%
Eames Molded Plastic&Wire (VT)	\$0.00	\$50,000.00	38.00%
Eames Molded Plastic&Wire (VT)	\$50,000.01	\$150,000.00	38.00%
Eames Molded Plastic&Wire (VT)	\$150,000.01	\$999,999,999.00	38.00%
Eames® Aluminum Group (H)	\$0.00	\$50,000.00	46.00%
Eames® Aluminum Group (H)	\$50,000.01	\$150,000.00	46.00%
Eames® Aluminum Group (H)	\$150,000.01	\$999,999,999.00	46.00%

Eames® Conference & Dining Tables (F)	\$0.00	\$50,000.00	64.75%
Eames® Conference & Dining Tables (F)	\$50,000.01	\$150,000.00	65.25%
Eames® Conference & Dining Tables (F)	\$150,000.01	\$999,999,999.00	66.00%
Eames® Lounge & Classic Seating (E)	\$0.00	\$50,000.00	46.00%
Eames® Lounge & Classic Seating (E)	\$50,000.01	\$150,000.00	46.00%
Eames® Lounge & Classic Seating (E)	\$150,000.01	\$999,999,999.00	46.00%
Eames® Stone & Outdoor Tables (ET)	\$0.00	\$50,000.00	46.00%
Eames® Stone & Outdoor Tables (ET)	\$50,000.01	\$150,000.00	46.00%
Eames® Stone & Outdoor Tables (ET)	\$150,000.01	\$999,999,999.00	46.00%
Eames® Tandem Seating (L)	\$0.00	\$50,000.00	46.00%
Eames® Tandem Seating (L)	\$50,000.01	\$150,000.00	46.00%
Eames® Tandem Seating (L)	\$150,000.01	\$999,999,999.00	46.00%
Embody (CN)	\$0.00	\$50,000.00	48.50%
Embody (CN)	\$50,000.01	\$150,000.00	48.75%
Embody (CN)	\$150,000.01	\$999,999,999.00	50.50%
Energy Distribution Systems (C)	\$0.00	\$50,000.00	68.00%
Energy Distribution Systems (C)	\$50,000.01	\$150,000.00	68.75%
Energy Distribution Systems (C)	\$150,000.01	\$999,999,999.00	70.75%
Ethospace® (U)	\$0.00	\$50,000.00	68.00%
Ethospace® (U)	\$50,000.01	\$150,000.00	68.75%
Ethospace® (U)	\$150,000.01	\$999,999,999.00	70.75%
Everywhere Tables (IV)	\$0.00	\$50,000.00	66.50%
Everywhere Tables (IV)	\$50,000.01	\$150,000.00	66.75%
Everywhere Tables (IV)	\$150,000.01	\$999,999,999.00	68.50%
Exclave Performance Gear (EX)	\$0.00	\$50,000.00	52.50%
Exclave Performance Gear (EX)	\$50,000.01	\$150,000.00	52.75%
Exclave Performance Gear (EX)	\$150,000.01	\$999,999,999.00	54.50%
Fuld (NE)	\$0.00	\$50,000.00	52.50%
Fuld (NE)	\$50,000.01	\$150,000.00	52.75%
Fuld (NE)	\$150,000.01	\$999,999,999.00	54.50%
Generation (GEN)	\$0.00	\$50,000.00	59.00%
Generation (GEN)	\$50,000.01	\$150,000.00	59.25%
Generation (GEN)	\$150,000.01	\$999,999,999.00	59.50%
Generic (R)	\$0.00	\$50,000.00	68.00%
Generic (R)	\$50,000.01	\$150,000.00	68.75%
Generic (R)	\$150,000.01	\$999,999,999.00	70.75%
Generic Parts (PAR)	\$0.00	\$50,000.00	40.00%
Generic Parts (PAR)	\$50,000.01	\$150,000.00	40.00%
Generic Parts (PAR)	\$150,000.01	\$999,999,999.00	40.00%
*Girard Textiles (CC)	\$0.00	\$50,000.00	46.00%
*Girard Textiles (CC)	\$50,000.01	\$150,000.00	46.00%
*Girard Textiles (CC)	\$150,000.01	\$999,999,999.00	46.00%
Goetz Sofa (GS)	\$0.00	\$50,000.00	38.00%
Goetz Sofa (GS)	\$50,000.01	\$150,000.00	38.00%
Goetz Sofa (GS)	\$150,000.01	\$999,999,999.00	38.00%
HAYHM (2C)	\$0.00	\$50,000.00	43.00%
HAYHM (2C)	\$50,000.01	\$150,000.00	43.75%
HAYHM (2C)	\$150,000.01	\$999,999,999.00	45.00%
Headway Tables (IM)	\$0.00	\$50,000.00	66.50%
Headway Tables (IM)	\$50,000.01	\$150,000.00	66.75%
Headway Tables (IM)	\$150,000.01	\$999,999,999.00	68.50%
Intent (CF)	\$0.00	\$50,000.00	52.50%
Intent (CF)	\$50,000.01	\$150,000.00	52.75%
Intent (CF)	\$150,000.01	\$999,999,999.00	54.50%
Intersect® Portfolio (CP)	\$0.00	\$50,000.00	52.50%
Intersect® Portfolio (CP)	\$50,000.01	\$150,000.00	52.75%
Intersect® Portfolio (CP)	\$150,000.01	\$999,999,999.00	54.50%
k.bench (KBE)	\$0.00	\$50,000.00	68.00%
k.bench (KBE)	\$50,000.01	\$150,000.00	68.25%
k.bench (KBE)	\$150,000.01	\$999,999,999.00	68.50%
k.lounge (KLO)	\$0.00	\$50,000.00	56.50%
k.lounge (KLO)	\$50,000.01	\$150,000.00	56.75%

Series 2 (KS2)	\$50,000.01	\$150,000.00	68.25%
Series 2 (KS2)	\$150,000.01	\$999,999,999.00	68.50%
Setu (RY)	\$0.00	\$50,000.00	50.75%
Setu (RY)	\$50,000.01	\$150,000.00	51.00%
Setu (RY)	\$150,000.01	\$999,999,999.00	51.75%
Spout Sit-to-Stand Table (IX)	\$0.00	\$50,000.00	66.00%
Spout Sit-to-Stand Table (IX)	\$50,000.01	\$150,000.00	66.25%
Spout Sit-to-Stand Table (IX)	\$150,000.01	\$999,999,999.00	66.50%
Striad (SD)	\$0.00	\$50,000.00	46.00%
Striad (SD)	\$50,000.01	\$150,000.00	46.00%
Striad (SD)	\$150,000.01	\$999,999,999.00	46.00%
Swoop (OA)	\$0.00	\$50,000.00	46.00%
Swoop (OA)	\$50,000.01	\$150,000.00	46.00%
Swoop (OA)	\$150,000.01	\$999,999,999.00	46.00%
Template (KTP)	\$0.00	\$50,000.00	68.00%
Template (KTP)	\$50,000.01	\$150,000.00	68.25%
Template (KTP)	\$150,000.01	\$999,999,999.00	68.50%
Textiles (K)	\$0.00	\$50,000.00	68.00%
Textiles (K)	\$50,000.01	\$150,000.00	68.75%
Textiles (K)	\$150,000.01	\$999,999,999.00	70.75%
Thrive Global (Z3)	\$0.00	\$50,000.00	53.50%
Thrive Global (Z3)	\$50,000.01	\$150,000.00	53.75%
Thrive Global (Z3)	\$150,000.01	\$999,999,999.00	55.50%
Thrive Portfolio (ZZ)	\$0.00	\$50,000.00	53.50%
Thrive Portfolio (ZZ)	\$50,000.01	\$150,000.00	53.75%
Thrive Portfolio (ZZ)	\$150,000.01	\$999,999,999.00	55.50%
Thrive Portfolio - CBS (Z2)	\$0.00	\$50,000.00	53.50%
Thrive Portfolio - CBS (Z2)	\$50,000.01	\$150,000.00	53.75%
Thrive Portfolio - CBS (Z2)	\$150,000.01	\$999,999,999.00	55.50%
Toboggan (TBG)	\$0.00	\$50,000.00	59.00%
Toboggan (TBG)	\$50,000.01	\$150,000.00	59.25%
Toboggan (TBG)	\$150,000.01	\$999,999,999.00	59.50%
Tone (KTO)	\$0.00	\$50,000.00	68.00%
Tone (KTO)	\$50,000.01	\$150,000.00	68.25%
Tone (KTO)	\$150,000.01	\$999,999,999.00	68.50%
Tu Laterals (UL)	\$0.00	\$50,000.00	64.50%
Tu Laterals (UL)	\$50,000.01	\$150,000.00	64.75%
Tu Laterals (UL)	\$150,000.01	\$999,999,999.00	66.50%
Tu Pedestals (UP)	\$0.00	\$50,000.00	64.50%
Tu Pedestals (UP)	\$50,000.01	\$150,000.00	64.75%
Tu Pedestals (UP)	\$150,000.01	\$999,999,999.00	66.50%
Tu Storage (US)	\$0.00	\$50,000.00	64.50%
Tu Storage (US)	\$50,000.01	\$150,000.00	64.75%
Tu Storage (US)	\$150,000.01	\$999,999,999.00	66.50%
Tu Towers (UT)	\$0.00	\$50,000.00	64.50%
Tu Towers (UT)	\$50,000.01	\$150,000.00	64.75%
Tu Towers (UT)	\$150,000.01	\$999,999,999.00	66.50%
Tu Wood Cases (UW)	\$0.00	\$50,000.00	64.50%
Tu Wood Cases (UW)	\$50,000.01	\$150,000.00	64.75%
Tu Wood Cases (UW)	\$150,000.01	\$999,999,999.00	66.50%
Tu Wood Credenzas (UJ)	\$0.00	\$50,000.00	64.50%
Tu Wood Credenzas (UJ)	\$50,000.01	\$150,000.00	64.75%
Tu Wood Credenzas (UJ)	\$150,000.01	\$999,999,999.00	66.50%
Tu Wood Cubbies (UH)	\$0.00	\$50,000.00	64.50%
Tu Wood Cubbies (UH)	\$50,000.01	\$150,000.00	64.75%
Tu Wood Cubbies (UH)	\$150,000.01	\$999,999,999.00	66.50%
Tu Wood Peds (UF)	\$0.00	\$50,000.00	64.50%
Tu Wood Peds (UF)	\$50,000.01	\$150,000.00	64.75%
Tu Wood Peds (UF)	\$150,000.01	\$999,999,999.00	66.50%
Tu Wood Towers (UI)	\$0.00	\$50,000.00	64.50%
Tu Wood Towers (UI)	\$50,000.01	\$150,000.00	64.75%
Tu Wood Towers (UI)	\$150,000.01	\$999,999,999.00	66.50%



Bismarck Airport

ARFF EXPANSION FURNITURE ND NASPO CONTRACT
ANW972

Date: 6/16/2026

Prepared For: Malaya Schneider

Quote Number: 13850-42507

Valid For 14 Days

Prepared by: Kyle Hellman

Confidential

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InterOffice - Fargo
 1630 1st Ave N, Suite A
 Fargo, ND 58102
 Phone: (701) 232-3013
 Fax: (701) 476-0911
<http://www.interofficend.com>

Interoffice - Bismarck
 920 E. Front Ave. Suite B
 Bismarck, ND 58504
 Phone: (701) 751-2998
 Fax: (701) 751-1519
<http://www.interofficend.com>



SUMMARY PAGE

Quote Number: 13850-42507

Project Summary

KH-BISMARCK-AIRPORT-FIRE-RESCUE-TRAINING-RM--0526

Bill To

Bismarck Airport
 Bismarck, ND
 2301 University Dr
 Bismarck, ND 58504

Project Investment

Project Total	\$17,201.24
Tax (0%)	\$0.00

Grand Total	\$17,201.24
--------------------	--------------------

Install To

Bismarck Airport
 Bismarck, ND
 2301 University Dr
 Bismarck, ND 58504

Payment Schedule

	Net 10
100% Due Net 10	\$17,201.24

Price Summary by Phase

Option	Phase	Price	Tax	Total
ARFF Expansion	Training - Classroom 104	\$7,748.55	\$0.00	\$7,748.55
	Office 102	\$9,452.69	\$0.00	\$9,452.69
		\$17,201.24	\$0.00	\$17,201.24
Total		\$17,201.24	\$0.00	\$17,201.24

InterOffice - Fargo
1630 1st Ave N, Suite A
Fargo, ND 58102
Phone: (701) 232-3013
Fax: (701) 476-0911
http://www.interofficend.com

Interoffice - Bismarck
920 E. Front Ave. Suite B
Bismarck, ND 58504
Phone: (701) 751-2998
Fax: (701) 751-1519
http://www.interofficend.com



CUSTOMER QUOTE

13850-42507

Expires: 6/30/2026

Bill To

Bismarck Airport
Bismarck, ND
2301 University Dr
Bismarck, ND 58504

Ship To

InterOffice - BIS WAREHOUSE
1505 East Front Avenue, Unit 4
Bismarck, ND 58504

Install To

Bismarck Airport
Bismarck, ND
2301 University Dr
Bismarck, ND 58504

10 with arms 8 without

project #	salesperson	quote name	payment terms	print date
13850	Kyle Hellman	ARFF Expansion	Net 10	6/16/2026

ARFF Expansion / Training - Classroom 104

LINE #	QTY	UNIT	PART # / DESCRIPTION	PRICE EA	EXT PRICE
1	9.00	EA	DTSAS.2472LT / Everywhere Flip-Top Rect Table,sq-edge,24" d,72" w,high-pressure lam top/thermoplastic edge,T-leg	\$860.95	\$7,748.55
					
OPTIONS					
			LBS +phantom cocoa (Top Finish)		
			LBS +phantom cocoa (Edge Finish)		
			G1 +graphite (CP) (Leg Finish)		
			20 +casters (Casters/Glides)		

ARFF Expansion / Office 102

LINE #	QTY	UNIT	PART # / DESCRIPTION	PRICE EA	EXT PRICE
2	1.00	EA	FTS10.3096LS / Rect Surf,sq-edge,30" d,96" w,high-pressure lam top/thermoplastic edge,no brackets, for freestd or use w/ low crdnz	\$349.44	\$349.44
					
OPTIONS					
			LBS phantom cocoa (Top Finish)		
			LBS phantom cocoa (Edge Finish)		
3	2.00	EA	FTS10.2460LS / Rect Surf,sq-edge,24" d,60" w,high-pressure lam top/thermoplastic edge,no brackets, for freestd or use w/ low crdnz	\$192.64	\$385.28
					
OPTIONS					
			LBS phantom cocoa (Top Finish)		
			LBS phantom cocoa (Edge Finish)		
4	2.00	EA	AER1C31NN / Wk Chair,c size,high-height range,std tilt,no arms,no arms	\$906.69	\$1,813.38
					
OPTIONS					
			AJ adjustable lumbar support (Back Support Option)		
			G1 graphite (CP) (Frame Finish)		
			G1 graphite (CP) (Chassis Finish)		
			G1 graphite (CP) (Base Finish)		
			C7 2 1/2" caster, black yoke, hard floors or carpet (Casters/Glides)		
			231 8Z Pellicle-Pr Cat 1 (8Z Pellicle)		
			03 8Z Pellicle graphite (231_Colors)		
5	1.00	EA	FV2E2.S30FL / Closed Support Leg,for squared edge surf,30" d,fixed ht,thermally-fused lam w/ thermo edge	\$145.28	\$145.28
					
OPTIONS					
			LBS phantom cocoa (Surface Finish)		

InterOffice - Fargo
1630 1st Ave N, Suite A
Fargo, ND 58102
Phone: (701) 232-3013
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920 E. Front Ave. Suite B
Bismarck, ND 58504
Phone: (701) 751-2998
Fax: (701) 751-1519
http://www.interofficend.com



CUSTOMER QUOTE

13850-42507

Expires: 6/30/2026

ARFF Expansion / Office 102

LINE #	QTY	UNIT	PART # / DESCRIPTION	PRICE EA	EXT PRICE
6	6.00	EA	FV689.P / Support Leg, Post	\$80.96	\$485.76
 OPTIONS G1 +graphite (CP) (Surface Finish)					
7	1.00	EA	FV2A2.2AFS / Open Support Leg, Arch Foot,12" deep, shared, fixed ht, shared	\$131.84	\$131.84
 OPTIONS G1 graphite (CP) (Surface Finish)					
8	1.00	EA	FV2A2.2BFS / Open Support Leg, Arch Foot,24" deep, shared, fixed ht, shared	\$215.04	\$215.04
 OPTIONS G1 graphite (CP) (Surface Finish)					
9	1.00	EA	AO480. / A-Style Pencil Drw	\$28.16	\$28.16
 OPTIONS MT +medium tone (Surface Finish)					
10	1.00	EA	LW100.24BBF / W-Pull Freestd Pedestal,24" d, BBF	\$311.89	\$311.89
 OPTIONS SB +full-extension ball-bearing (Slides) XS +textured paint on smooth steel (Paint/Steel Type) G1 +graphite (CP) (Surface Finish) KC +keyed differently, chrome (Lock) 1F +standard height (Base Height) NN +none (Drawer Interior)					
11	2.00	EA	LW200.421 / W-Pull Freestd Lateral File,42" w,2 drawers, raised ht	\$634.49	\$1,268.98
 OPTIONS XS textured paint on smooth steel (Paint/Steel Type) G1 graphite (CP) (Surface Finish) KC keyed differently, chrome (Lock) CB counterweight (recommended) (Counterweight) 1R front-to-back filing rail (Drawer Interior)					
12	1.00	EA	LTPL-08420 / Tu File Top, high-pressure lam top w/ thermo edge,84" w,20" d	\$317.58	\$317.58
 OPTIONS LBS phantom cocoa (Top/Edge Finish)					

InterOffice - Fargo
1630 1st Ave N, Suite A
Fargo, ND 58102
Phone: (701) 232-3013
Fax: (701) 476-0911

Interoffice - Bismarck
920 E. Front Ave. Suite B
Bismarck, ND 58504
Phone: (701) 751-2998
Fax: (701) 751-1519
<http://www.interofficend.com>



CUSTOMER QUOTE

13850-42507

Expires: 6/30/2026

ARFF Expansion / Office 102

LINE #	QTY	UNIT	PART # / DESCRIPTION	PRICE EA	EXT PRICE
13	1.00	EA	LW200.302 / W-Pull Freestd Lateral File,30" w,2 drw	\$515.90	\$515.90
 OPTIONS XS textured paint on smooth steel (Paint/Steel Type) G1 graphite (CP) (Surface Finish) KC keyed differently, chrome (Lock) CB counterweight (recommended) (Counterweight) 1R front-to-back filing rail (Drawer Interior)					
14	1.00	EA	AO480. / A-Style Pencil Drw	\$28.16	\$28.16
 OPTIONS MT +medium tone (Surface Finish)					
15	2.00	EA	FV43H.WM2260HWTN / OH Stg Cabinet, Hinged Doors,wall mount,22" h,60" w,high-pressure lam case & dr,fin case top,no lock	\$933.76	\$1,867.52
 OPTIONS LBS phantom cocoa (Case/Edge Finish) LBS phantom cocoa (Door/Edge Finish)					
16	2.00	EA	FV930.WMC123A60R / Tackable Fabric Back Pnl,wall mount,for use w/ Canvas 2-1/4" plinth base or 28.5"h worksurface at a 68"H datum,23.5"h to go between a worksurface (28.5"h) & 15"h overhead or between a low crdnz (1 1/4" thick top) & 22"h overhead,60" w,tackable fabric, ho	\$310.08	\$620.16
 OPTIONS 4TE terra-Pr Cat 2 (Fabric) 03 terra pine cone (4TE_Colors)					
17	2.00	EA	G6160.AB / Twist LED Task Light,single unit,bracket att	\$204.16	\$408.32
					
18	8.00	Hour	Bismarck STATE OF ND Install - RT / Regular office hour delivery/installation charges at the State of ND rate	\$70.00	\$560.00

ARFF Expansion / Office 102 TOTAL

SUBTOTAL

subtotal	\$9,452.69
sales tax	\$0.00
total	\$9,452.69

InterOffice - Fargo
1630 1st Ave N, Suite A
Fargo, ND 58102
Phone: (701) 232-3013
Fax: (701) 476-0911
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920 E. Front Ave. Suite B
Bismarck, ND 58504
Phone: (701) 751-2998
Fax: (701) 751-1519
<http://www.interofficend.com>



CUSTOMER QUOTE

13850-42507

Expires: 6/30/2026

Customer Sign-Off

Thank you for your Business! By signing below, you are approving InterOffice to place the above order for you and agree to the Terms and Conditions below.

PRICE ADJUSTMENT CLAUSE:

The prices quoted in this agreement are subject to change if any government-imposed tariffs are enacted prior to the placement of an order. In such circumstances, the Seller reserves the right to adjust the quoted prices accordingly to reflect any increased costs resulting from these tariffs.

ARFF Expansion (Option Total)

subtotal	\$17,201.24
sales tax	\$0.00
total	\$17,201.24

Authorized Signature

Accepted Date

Print Name



Engineering Department

DATE: June 23, 2026

FROM: Gabe Schell, City Engineer

ITEM: Encroachment & Waiver Agreement - Bismarck Public School District No. 1

REQUEST:

Encroachment agreement with Bismarck Public School District No. 1 at 5210 Noble Drive for a digital monument sign.

BACKGROUND INFORMATION:

Bismarck Public School District No. 1 is requesting an encroachment agreement to place a digital monument sign within an existing storm sewer easement at 5210 Noble Dr, Lot 1, Block 1, Silver Ranch Fourth Addition. The encroachment committee has reviewed and recommends approval of the attached agreement with a term of 10-years, continuing yearly thereafter.

RECOMMENDED CITY COMMISSION ACTION:

Approve encroachment agreement with Bismarck Public School District No. 1

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Encroachment Agreement and Waiver - 5210 Noble Dr
2. Exhibit - 260605

ENCROACHMENT AGREEMENT AND WAIVER

The City of Bismarck (City) hereby grants Bismarck Public School District No. 1 (Grantee) the right to install and maintain a privately owned monument sign, power line, data cables, power line markers and appurtenances (Encroachments) within a storm water easement on Lot 1, Block 1 of Silver Ranch 4th Addition, 5210 Noble Dr., City of Bismarck, Burleigh County, North Dakota, per the exhibits held on file in the City of Bismarck Engineering Department, subject to the following conditions:

1. The Grantee shall comply with all rules regarding maintenance of the Encroachments in the easement as set by the City Engineer. The Grantee shall be responsible for marking the power line location every 100 feet with electrical utility markers and locating any buried lines in relation to the sign for any 811 requests or on behalf of a request by the City.
2. The term of this grant shall be for ten (10) years and shall continue thereafter from year to year. The City may cancel this grant at any time after the initial ten-year term upon six months' written notice to the Grantee.
3. Upon the end of the term or prior abandonment by the Grantee, the Grantee shall, at its own expense, remove the Encroachments and restore the easement to its original condition, if so required by the City.
4. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, for the City's permission to operate and maintain the Encroachments over the easement, Grantee agrees to release the City, its assigns or other franchised utilities from and waive any and all claims relating to said Encroachments, but not limited to, damages arising from damage to the Encroachments, loss of business, or other personal injury or property damage resulting from damage to the Encroachments by the City, its assigns or other franchised utilities.

5. Grantee agrees that it is using the easement at its own risk. Grantee shall not look to the City, its assigns, or other franchised utilities to pay for any expense or damage to the Encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it will hold harmless and indemnify the City, its assigns, or other franchised utilities from any and all claims in any way resulting from the placement of the Encroachments over the easement. The Grantee agrees that, after the installation of the Encroachments, the Grantee will restore the City's easement or street to its original condition.
6. In the event the City is required to perform street maintenance or construction on the easement at the location of the Encroachments, Grantee shall cooperate with the City in temporarily protecting the Encroachments and accommodating the City's project, at Grantee's sole expense.
7. This Encroachment Agreement and Waiver and the covenants, agreements, and restrictions contained herein shall run with the land benefited and burdened hereunder.
8. In the event of the commission of any breach of the terms of this Agreement by a party, the non-breaching party may cause this Agreement to be terminated on ten (10) days written notice. All obligations contained in paragraphs 3 and 4 will survive the termination of this Agreement, including but not limited to, the restoration of the property to the original condition.

Bismarck Public School District No. 1

By: _____

_____ Date

Print: _____

Title: _____

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 20____, before me personally appeared
_____ known to me to be the _____
of _____, and that executed the within instrument, and
acknowledged to me that such entity executed the same.

Notary Public
My commission expires:

City of Bismarck

Gabe Schell, PE
City Engineer

Date

Jason Tomanek
City Administrator

Date

Michael T. Schmitz
President, Board of City Commissioners

Date

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 20__, before me personally appeared Gabe Schell, known to me to be the City Engineer of the City of Bismarck described in and who executed the within instrument, and acknowledged to me that they executed the same.

Notary Public
My commission expires:

STATE OF _____)
) SS.
COUNTY OF _____)

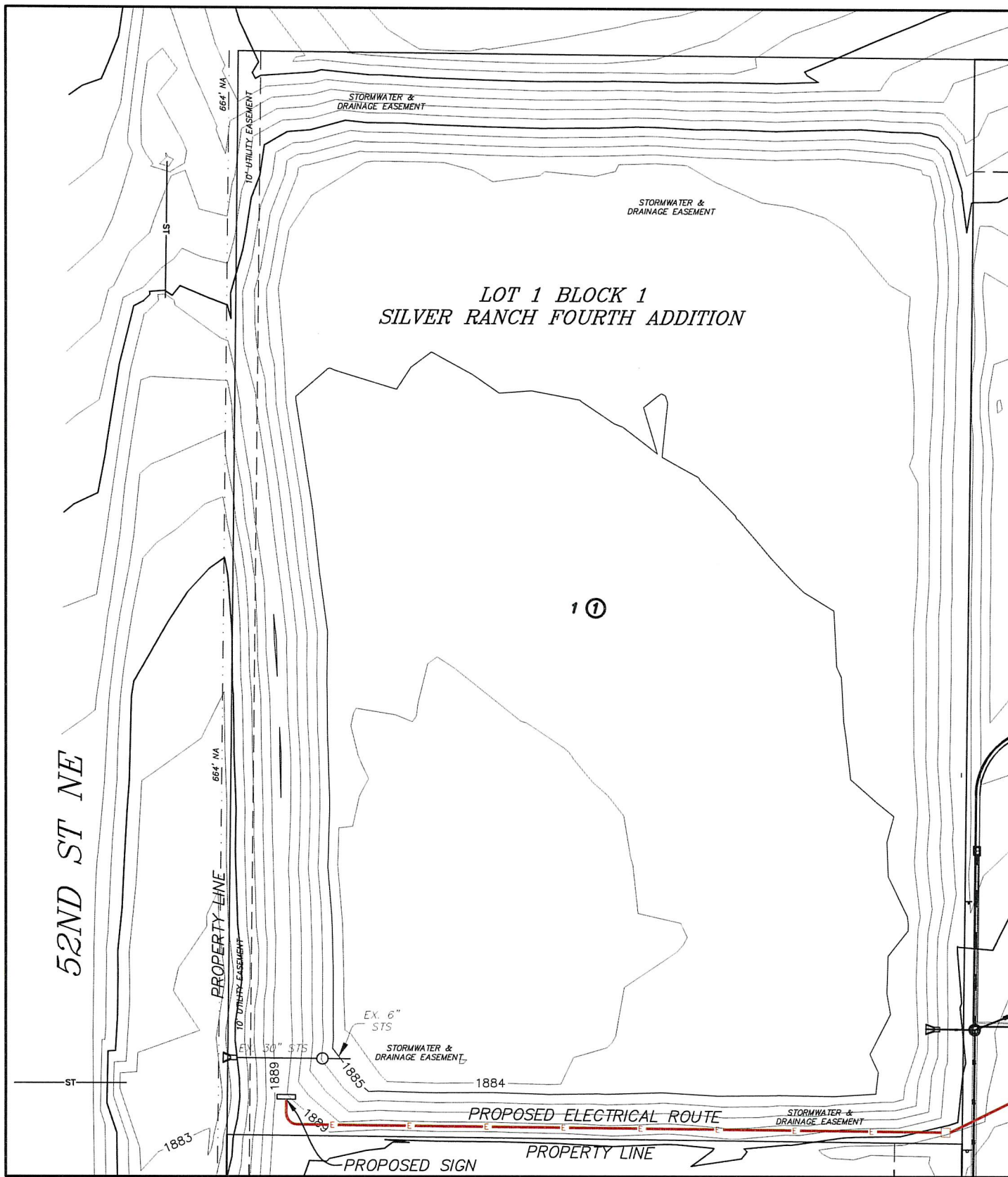
On this _____ day of _____, 20__, before me personally appeared Jason Tomanek, known to me to be the City Administrator of the City of Bismarck described in who executed the within instrument, and acknowledged to me that they executed the same.

Notary Public
My commission expires:

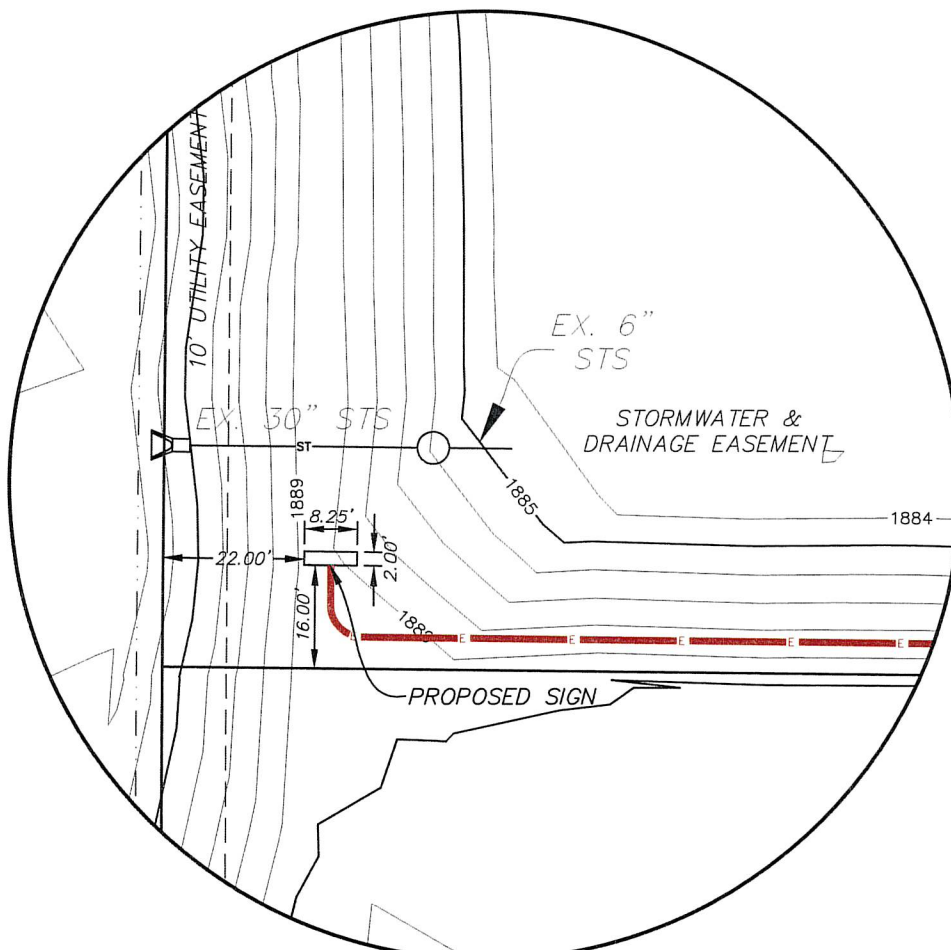
STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 20__ , before me personally appeared Michael T. Schmitz, known to me to be the Mayor of the City of Bismarck described in and who executed the within instrument, and acknowledged to me that they executed the same.

Notary Public
My commission expires:



SCALE: 1" = 60'



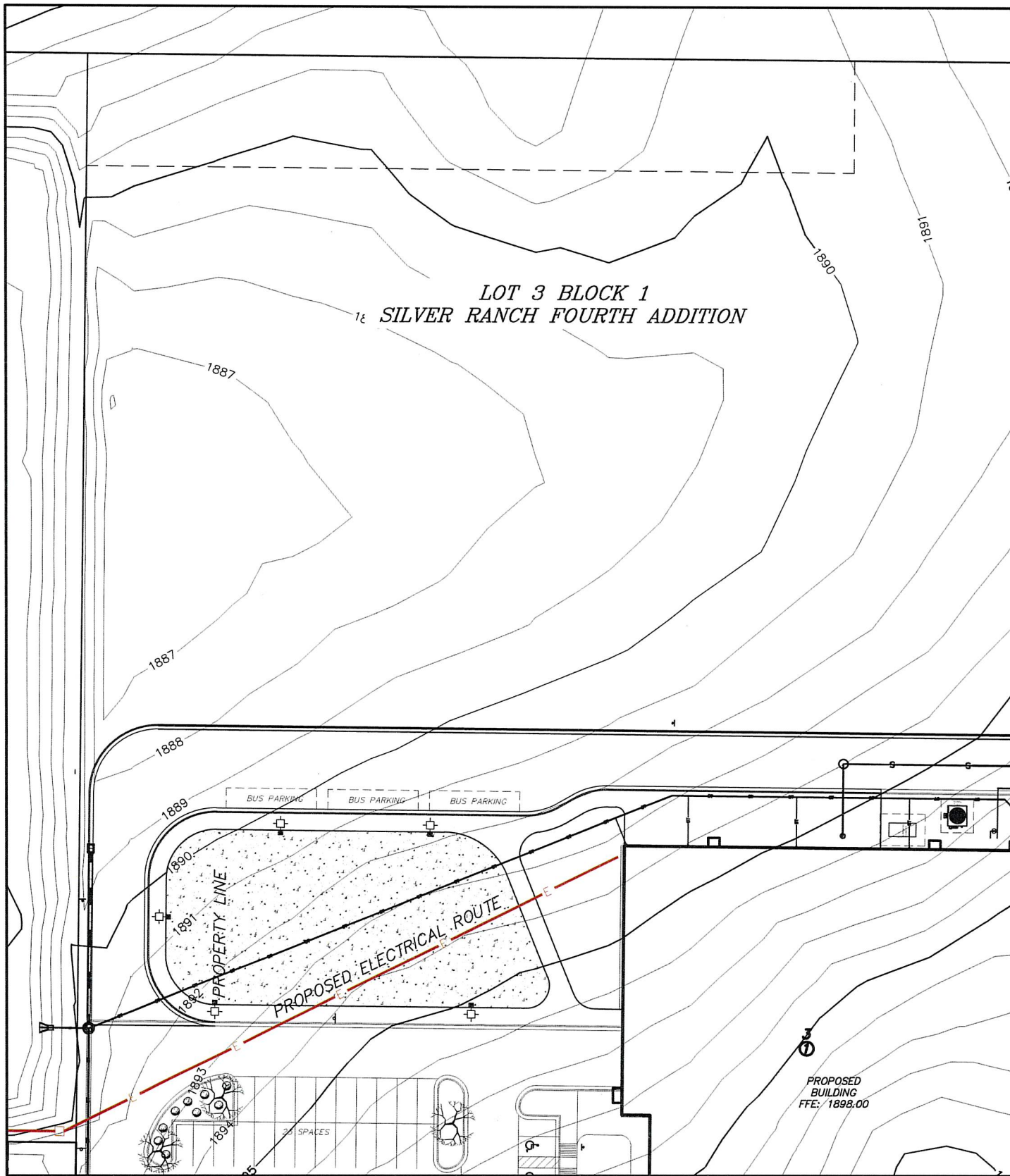
SCALE: 1" = 30'



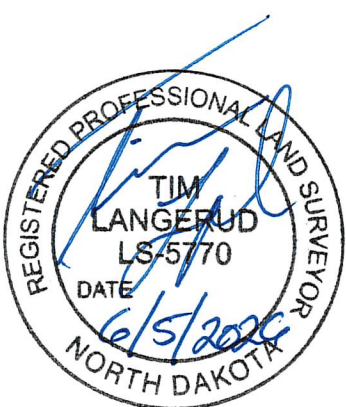
SWENSON, HAGEN & COMPANY P.C.
 3002 Airway Avenue
 Bismarck, North Dakota 58504
 shcng@swensonhagen.com
 Phone (701) 223-2600
 Fax (701) 223-2606

LOTS 1 & 3 SILVER RANCH 4TH ADDITION (TO BE COMBINED)
 SILVER RANCH CTE
 SITE SIGNAGE LOCATION MAP

1 OF 2



SCALE: 1" = 60'



SWENSON, HAGEN & COMPANY P.C.
3002 Airway Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2606

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

LOTS 1 & 3 SILVER RANCH 4TH ADDITION (TO BE COMBINED)
SILVER RANCH CTE
SITE SIGNAGE LOCATION MAP

2 OF 2



Engineering Department

DATE: June 23, 2026

FROM: Gabe Schell, City Engineer

ITEM: Community Event Street Closure - Red White and Boom

REQUEST:

Closure of Canary Avenue and Edwards Avenue on the west side of the MDU Resources Community Bowl on Saturday, July 4, 2026, from 8:00 AM - 11:30 PM.

BACKGROUND INFORMATION:

This is for the 4th of July celebration. Activities are planned to include food and drinks, inflatables, kid activities, music, and fireworks. Funatix is coordinating the event on behalf of the Bismarck Mandan Chamber Foundation.

RECOMMENDED CITY COMMISSION ACTION:

Approve the closure of Canary Avenue and Edwards Avenue on the west side of the MDU Resources Community Bowl on Saturday, July 4, 2026, from 8:00 AM - 11:30 PM.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Community Event Street Closure Application - Red White and Boom 2026 (redacted)



Application for a Community Event in the Public Right of Way

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

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

Name of Event: Bismarck's Red White & Boom

Event Dates and Times: 07/04/2026 6:00 PM - 11:00 PM

Requested Street Closure Dates and Times: 8:00 AM - 11:30 PM

Provide a location map with a layout of any street closures, on street parking utilization, impacts to sidewalks, emergency service access and vendor spaces.

Sponsoring Individual/Organization: Funatix Events

The purpose of the festival or event: 4th of July Celebration

The activities that will be held as part of the event: Food/drinks service, inflatables, kid activities music, fireworks.

Is the festival sponsored by a non-profit community service organization? Yes *See below

If no, how does the event or festival constitute a community service? _____

*Funatix is coordinating the event on behalf of the Bismarck Mandan Chamber Foundation.

Event Manager/Coordinator Contact Information:

Name: Rachel Burr

Email Address: _____

Cell Phone: _____

Is Amplified Music Present: Yes (If yes, Environmental Health Permit Required)

Is Alcohol Served: Yes (If yes, Police Department Permit Required)

Food Vendors will not be permitted in the public right of way unless they are in good standing with Bismarck-Burleigh Public Health Department – Environmental Health Division.

Final approval is required from Board of City Commissioners.

If approval is granted by the Board of City Commissioners, the applicant will be required to provide:

- Proof of liability insurance. Coverages to be \$2 million per occurrence and \$500,000 per person and add City of Bismarck to the policy as an additional insured with waiver of subrogation.
- Proof of food vendors being licensed and inspected by Bismarck-Burleigh Public Health Department - Environmental Health Division
- If alcohol is being served, a special event liquor permit is required.
- If amplified music is provided, a Noise Variance Permit issued from Bismarck-Burleigh Public Health Department - Environmental Health Division is required.
- Hire a professional signing contractor to install Type III barricades across the entire street width at the ends of the street closure area plus one Road Closed sign for each end of the street closure area.

Failure to meet these requirements may result in revoking the approval.

All questions regarding this application should be directed to the City of Bismarck Traffic Engineer. 701.355.1505

Code of City Ordinance

10-05.1-03. Community Events and Festivals. The City Commission may grant permits for certain types of community events or festivals to take place upon the public streets, sidewalks, squares, avenues, or alleys of the City.

1. The sponsor of the event or festival shall submit to City Administration a written application for a permit at least 45 days prior to the opening of the community event or festival for which a permit is desired. The application shall state:

- a. The time, date and location of the festival or event. The applicant shall include a map of the proposed event showing the layout of booths, stalls or other attractions and including the specific location of any outdoor grilling activities;
- b. The group, firm or individual by whom the festival or event will be sponsored;
- c. The purpose of the festival or event;
- d. The activities that will be held;
- e. The streets requested to be closed. A drawing showing the requested street closures shall be included with the application.

2. A completed application will be considered by the City Commission.

3. In granting permits for community events and festivals, the City Commission shall consider the following:

- a. The nature of the event or festival and how it can serve the community and its citizens;
- b. The time period during which the event or festival will occur;
- c. The location of the event or festival and whether the location inhibits the safe flow of traffic in the City;
- d. Whether or not the location(s) proposed for cooking or grilling activities is appropriate considering area residents and businesses;
- e. Whether the activities would be in compliance with other applicable laws;
- f. Whether the event or festival is to benefit non-profit community service organizations. Commercial events or festivals which generate profit for the private sector, other than profit incidental to the festival or event which is made by persons other than the sponsor of the festival or event, shall be permitted only if the applicant submits evidence to the review committee that the event or festival constitutes a community service; and
- g. The general health, safety and welfare of the participants in the event or festival and the citizens of the City.
- h. The sponsor of the event or festival shall provide all cleaning services necessary to rid the festival area of all debris and litter created as a result of the event or festival.
- i. The issuance of a permit to a sponsor shall authorize only that sponsor and participants specifically authorized by the sponsor to participate in that community event or festival without the restrictions imposed by this chapter.
- j. Authorized participants in a community event or festival for which a permit has been issued shall not be required to obtain a city permit required by the provisions of this Chapter for the period during which the community event or festival takes place.





Engineering Department

DATE: June 23, 2026

FROM: Gabe Schell, City Engineer

ITEM: Sewer Improvement District SE 588

REQUEST:

Resolutions creating the district, ordering the preparation of the engineer's report, approving the engineer's report, and directing the preparation of the plans and specifications for Sewer Improvement District No. SE 588.

BACKGROUND INFORMATION:

Sewer Improvement District No. 588 consists of one unit of new storm sewer and related work. Unit 1 includes approximately 1,700 LF of new storm sewer ranging from 15" to 30" in size and related appurtenances in Paradise Valley and Paradise Valley Second Additions.

As per the master planned stormwater for this development, the boundary of SE 588 will encompass all properties within the Additions, as all properties benefit from all storm improvements.

The engineer's report and boundary map for the district are attached. The report will be posted to the city website upon City Commission approval at www.bismarcknd.gov/streets.

Project Schedule

Resolution Creating District	June 23, 2026
Authorization to Advertise	July 14, 2026
Receipt and Opening of Bids	August 4, 2026
Award of Bid	August 11, 2026
Project Completion	Fall 2026

RECOMMENDED CITY COMMISSION ACTION:

Approve resolutions creating district, ordering the preparation of the engineer's report, approving the engineer's report, and directing the preparation of the plans and specifications for Sewer Improvement District SE 588.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Engineering Report - SE588

ENGINEER'S REPORT

Sewer Improvement District No. 588

General Nature, Purpose and Benefit

Sewer Improvement District No. 588 consists of one unit of new storm sewer and related work. Unit 1 includes approximately 1,700 LF of new storm sewer ranging from 15" to 30" in size and related appurtenances in Paradise Valley and Paradise Valley Second Additions.

The storm sewer within this district will be installed to manage stormwater runoff within this district and will facilitate the extension of the City's roadway network as requested by the majority landowner for the continued growth of the City of Bismarck.

The boundary of the district was drawn to include the parcels which receive a benefit from the improvements of this district as per the current special assessment policy approved by the City Commission. As per the master planned stormwater for this development, the boundary of SE 588 will encompass all properties within the Additions, as all properties benefit from all storm improvements. Please see attached map.

Cost Feasibility

Schedule A - Project Costs included as set out in Section 40-22-01 of the NDCC and as advertised under section 40-22-19 of the NDCC:

New Storm Sewer Costs	\$	412,000.00
Subtotal	\$	412,000.00
10% Contingency	\$	41,200.00
Total Schedule A Cost	\$	453,200.00

Schedule B - Other Project Costs not otherwise included above:

Engineering Fees	\$	22,700.00
Administration Fees	\$	22,700.00
Interest During Construction	\$	13,600.00
Advertising and Legal	\$	9,100.00
Total Schedule B Cost	\$	68,100.00

Project Cost Summary:

Schedule A Costs	\$	453,200.00
Schedule B Costs	\$	68,100.00
Total Estimated Improvement Cost	\$	521,300.00

Funding Summary:

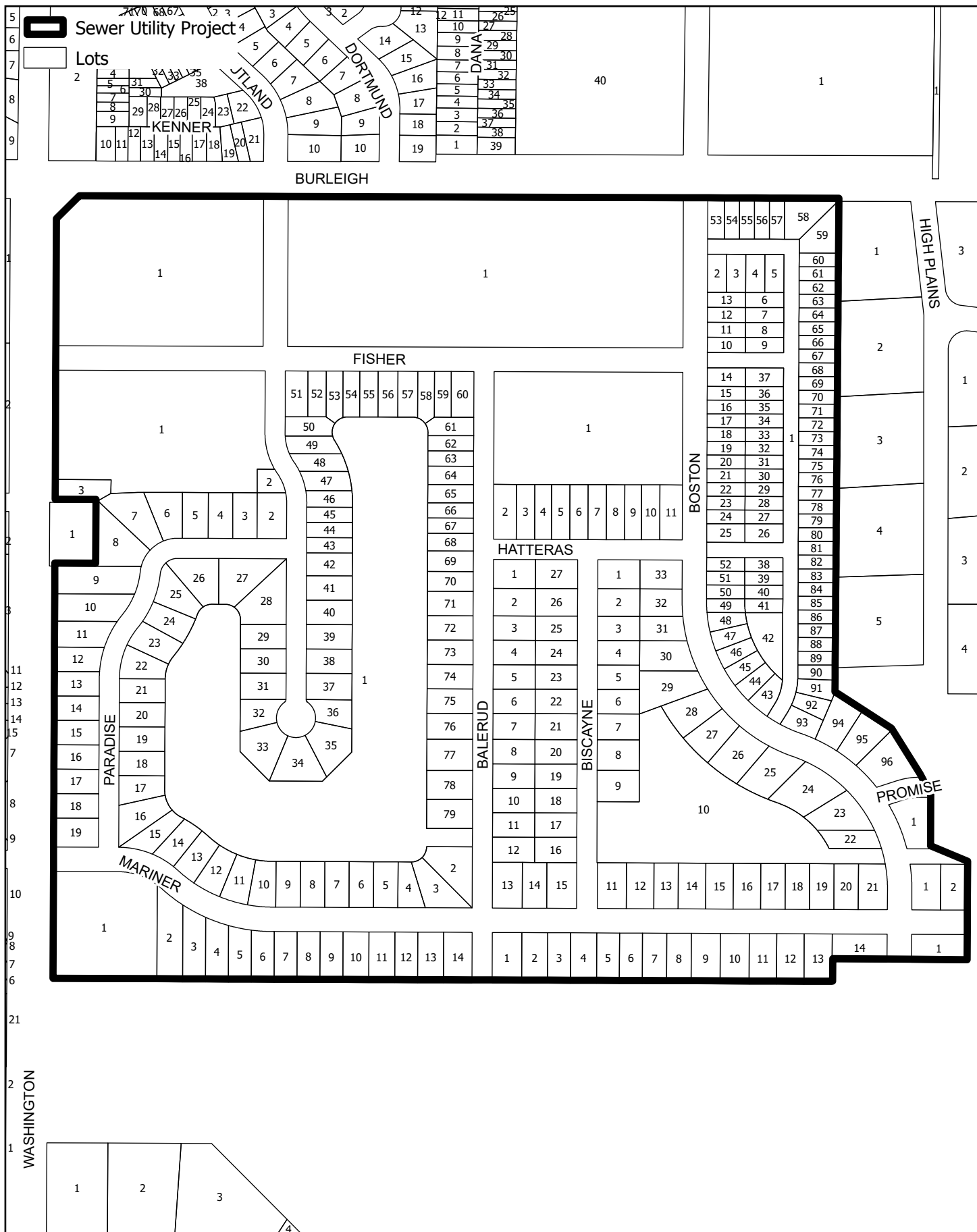
Special Assessments	\$	521,300.00
Total Funding	\$	521,300.00

This work was prepared by me or under my direct supervision. We believe this project to be cost effective and reflects our best information at this time.




Michael J. Greer, P.E.
Design and Construction Engineer

SE 588





Engineering Department

DATE: June 23, 2026

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 589

REQUEST:

Revised Project Budget for Street Improvement District SI 589.

BACKGROUND INFORMATION:

Street Improvement District No. 589 consists of one unit of new asphalt pavement, curb and gutter, ADA ramps, sidewalk, storm water and related work. Units 1 and 2 include the new street and storm sewer work. The district was bid with an additional unit 3, which includes repairs and maintenance to the existing storm sewer along Oregon Drive. Costs for this unit are funded solely by the City of Bismarck Storm Water Utility. The approved project budget, approved on September 9, 2025, includes funding for this unit from the Storm Water Utility Fund in the amount of \$71,349.33.

During construction, it was found that the repairs in unit 3 would require additional work to replace the storm water inlet structure along Oregon Drive. A change order in the amount of \$17,832.03 will be required to complete the additional work. The bid amount for unit 3 was \$58,966.39. The revised projected total cost for this unit, including 10% contingency and engineering fees, is \$92,926.09, which is an increase of \$21,576.76 for the approved Storm Water Utility Fund budget amount for Unit 3. This exceeds the funding that was approved in the project budget. The budget for the total project would increase from \$888,991.60 to \$903,068.14

The revised project budget is attached. The Storm Water Utility will pay for the increased cost from their operating budget.

RECOMMENDED CITY COMMISSION ACTION:

Approve Revised Project Budget for Street Improvement District SI 589.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Project Budget - REVISED - SI589

REVISED PROJECT BUDGET

Number	SI 589	Description	West Region Medical Second Addition
---------------	---------------	--------------------	--

Scheduled Start	9/15/2025	Scheduled End	8/1/2026
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Project Contracts

Project Construction Contracts	Amount
Knife River Corporation -----	681,793.41
Change Order 1 (Unit 3) -----	17,832.03
Subtotal	699,625.44
Contingencies 10%	69,962.54
Total Construction Contracts	769,587.98

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

Work by Other City Departments	Amount
Signs*	1,000.00
Subtotal	1,000.00
*Contingencies 10%	
Total Work by Other City Departments	1,000.00

SUMMARY

Construction Cost - No Contingencies **700,625.44**

TOTAL CONSTRUCTION COST WITH CONTINGENCIES **770,587.98**

Engineering -----	67,945.62
Administration -----	32,267.27
Advertising and Legal -----	12,906.91
Interest During Construction -----	19,360.36

SI 589 TOTAL PROJECT COST **903,068.14**

Project Funding	Amount
Special Assessments -----	718,993.11
Storm Water Utility Fund -----	92,926.09
Developer Pre-payment -----	91,148.94
Total Funding	903,068.14

Date 6/15/2026



Engineering Department

DATE: June 23, 2026

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 590 and Water Improvement District WA 334

REQUEST:

Resolution approving plans and specifications for Street Improvement District SI 590 and for Water Improvement District WA 334.

BACKGROUND INFORMATION:

Street Improvement District No. 590 consists of one unit of new asphalt pavement, curb and gutter, and related work. Unit 1 includes approximately 150LF of new roadway, Hamilton Drive, south of Century Avenue. Water Improvement District WA 334 consists of one unit of water main installation and related work to service parcels within the district.

These two districts were created April 8, 2025. Plans and specifications were prepared and the project was bid and constructed. The project is complete and we are preparing to spread the costs to the benefiting parcels.

During our close-out process, it was discovered that we did not request or receive the resolution approving the plans and specifications. All other resolutions required under ND Century Code were obtained.

SI 590 Unit 1 (100.0%)

Hamilton Street - Century Avenue to 150 LF south of Century Avenue

WA 334 Unit 1

Hamilton Street - Century Avenue to 165 LF south of Century Avenue

RECOMMENDED CITY COMMISSION ACTION:

Approve plans and specifications for Street Improvement District SI 590 and for Water Improvement District WA 334.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None



Engineering Department

DATE: June 23, 2026

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 600

REQUEST:

Resolution receiving bids, ordering preparation of the Engineer's Statement and awarding the contract for Street Improvement District No. SI 600.

BACKGROUND INFORMATION:

Street Improvement District No. 600 consists of one unit of asphalt pavement, curb and gutter, storm sewer, ADA ramps, and related work. The overall length of this project is approximately 1,725 linear feet in Promontory Point VI Addition.

The engineer's report and boundary map have been posted to the city website at www.bismarcknd.gov/streets.

Bids were received on June 16, 2026, where two bids were submitted. The engineer's estimate is \$557,300. Strata Corporation submitted the low bid of \$597,446.90. The bid summary and project budget are attached.

UNIT NO. 1 (94.6% petitioned)

McLintock Drive - from 125' north of Valley Drive to 140' southwest of Clairmont Road

Monreo Drive - from McIntock Drive to 110' northwest of Clairmont Road

Moreales Drive - from McIntock Drive to 145' west of Clairmont Road

Project Schedule

Receipt and Opening of Bids

June 16, 2026

Award of Bid

June 23, 2026

Project Completion

Fall 2027

RECOMMENDED CITY COMMISSION ACTION:

Approve resolutions receiving bids, ordering preparation of the Engineer's Statement and awarding contract for Street Improvement District SI 600 to Strata Corporation in the amount of \$597,446.90.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. bid summary & project budget - 260616 - SI600

**BID SUMMARY
FOR
STREET IMPROVEMENT DISTRICT NO. 600
PROMONTORY POINT VI ADDITION**

BID DATE: June 16, 2026; 4:00 PM

ENGINEER'S ESTIMATE:	\$	557,299.45
ENGINEER'S REPORT**:	\$	580,000.00

BIDDER	AMOUNT
Northern Improvement Company	\$ 614,961.71
Strata Corporation	\$ 597,446.90

Other Contractors listed as Prime Bidders for this project on Quest CDN
Central Specialties Incorporated
Mike Coleman Construction, Inc.

**"Engineer's Report" includes proposed construction costs only

PROJECT BUDGET

Number	SI 600	Description	New Pavement - Promontory Point VI Addition
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Construction Award	6/23/2026	Construction Completion	7/30/2027
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Project Contracts

Project Construction Contracts	Amount
Strata Corporation	597,446.90
Subtotal	597,446.90
Contingencies 10%	59,744.69
Total Construction Contracts	657,191.59

Other Contracts, Land Purchases, Etc.	Contract No.	Amount
Property Corner Monumentation		5,000.00
Subtotal		5,000.00
*Contingencies 10%		-
Total Other Contracts		5,000.00

Work by Other City Departments	Amount
Signs	500.00
Subtotal	500.00
*Contingencies 10%	50.00
Total Work by Other City Departments	550.00

SUMMARY

Construction Cost - No Contingencies **602,946.90**

TOTAL CONSTRUCTION COST WITH CONTINGENCIES **662,741.59**

Engineering		62,176.67
Administration	5%	33,137.08
Advertising and Legal	2%	13,254.83
Interest During Construction	3%	19,882.25

SI 600 TOTAL PROJECT COST **791,192.42**

Project Funding	Amount
Special Assessments	791,192.42
Total Funding	791,192.42

Date 6/16/2026



Engineering Department

DATE: June 23, 2026

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 602

REQUEST:

Resolution receiving bids, ordering preparation of the Engineer's Statement and awarding the contract for Street Improvement District No. SI 602.

BACKGROUND INFORMATION:

Street Improvement District No. 602 consists of one unit of new asphalt pavement, curb and gutter, ADA ramps and related work. The overall length of this project is approximately 1,500 linear feet of new roadway in Clear Sky Addition.

The engineer's report and boundary map have been posted to the city website at www.bismarcknd.gov/streets.

Bids were received on June 16, 2026, where two bids were submitted. The engineer's estimate is \$392,330. Strata Corporation submitted the low bid of \$415,537.60. The bid summary and project budget are attached.

Unit No.1 (100% petitioned)

Holmes Drive - from 165' west of Goodiron Drive to 200' west of Smette Bend

Goodiron Drive - from Holmes Drive to 135' south

Hermanson Drive - from 135' south to 195' north of Holmes Drive

Project Schedule

Receipt and Opening of Bids

June 16, 2026

Award of Bid

June 23, 2026

Project Completion

Fall 2027

RECOMMENDED CITY COMMISSION ACTION:

Approve resolutions receiving bids, ordering preparation of the Engineer's Statement, and awarding contract for Street Improvement District SI 602 to Strata Corporation for \$415,537.60.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Bid Summary & Project Budget - SI602

**BID SUMMARY
FOR
STREET IMPROVEMENT DISTRICT NO. 602
CLEAR SKY ADDITION**

BID DATE: June 16, 2026; 4:00 PM

ENGINEER'S ESTIMATE:	\$	392,330.80
ENGINEER'S REPORT**:	\$	592,000.00

BIDDER	AMOUNT
Strata Corporation	\$ 415,537.60
Northern Improvement Company	<u>\$ 423,799.30</u>

Other Contractors listed as Prime Bidders for this project on Quest CDN
Central Specialties Incorporated

**"Engineer's Report" includes proposed construction costs only

PROJECT BUDGET

Number	SI 602	Description	SI 602 Clear Sky Addition - New Pavement
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Construction Award	6/23/2026	Construction Completion	7/16/2027
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Project Contracts

Project Construction Contracts	Amount
Strata Corporation	415,537.60
Subtotal	415,537.60
Contingencies 10%	41,553.76
Total Construction Contracts	457,091.36

Other Contracts, Land Purchases, Etc.	Contract No.	Amount
Property Corner Monumentation		5,000.00
Subtotal		5,000.00
*Contingencies 10%		-
Total Other Contracts		5,000.00

Work by Other City Departments	Amount
Signs	750.00
Subtotal	750.00
*Contingencies 10%	75.00
Total Work by Other City Departments	825.00

SUMMARY

Construction Cost - No Contingencies **421,287.60**

TOTAL CONSTRUCTION COST WITH CONTINGENCIES **462,916.36**

Engineering	10%	46,291.64
Administration	5%	23,145.82
Advertising and Legal	2%	9,258.33
Interest During Construction	3%	13,887.49

SI 602 TOTAL PROJECT COST **555,499.63**

Project Funding	Amount
Special Assessments	555,499.63
Total Funding	555,499.63

Date 6/16/2026



Engineering Department

DATE: June 23, 2026

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 603

REQUEST:

Resolution creating the district, ordering the preparation of the engineer's report, approving the engineer's report, and directing the preparation of the plans and specifications for Street Improvement District No. SI 603.

BACKGROUND INFORMATION:

Street Improvement District No. 603 consists of one unit of street maintenance. Street maintenance would include areas of milling & overlaying, curb and gutter repair, curb extensions, drainage improvements, concrete pavement repair, new sidewalk, ADA ramp improvements, roadway and pedestrian LED lighting, landscaping, bike racks, benches, pavement markings, transit improvements, signal removal and related items.

This project was selected for funding through the Urban Grant Program through the NDDOT and will be partially funded with federal grants. The Urban Grant Program will fund the project with 80.93% federal funds to a maximum amount of \$1,610,000. The remaining costs will be the City of Bismarck's responsibility and will be funded through this special assessment district.

The Engineering Report is attached and will be posted to the city website upon City Commission approval at www.bismarcknd.gov/Streets. Letters will be sent to property owners notifying them of this project along with their estimated special assessment cost and their right to protest this improvement per NDCC Chapter 40-22.

Unit 1

3rd Street – Front Avenue to 180' North of Front Avenue
5th Street – Bowen Avenue to 255' North of Front Avenue
Front Avenue – Mandan Street to 9th Street
Sweet Avenue – 5th Street to 135' West of 5th Street

Project Schedule

Resolution of Necessity	July 14, 2026
Letters to Property Owners Sent:	July 20, 2026
Protest Period Ends:	August 20, 2026
Public Reading of Sufficiency of Protest:	August 25, 2026
Authorization to Advertise	September 8, 2026
Receipt and Opening of Bids (NDDOT)	November 20, 2026
Award of Bid	December 15, 2026
Project Completion	Fall 2028

RECOMMENDED CITY COMMISSION ACTION:

Approve resolutions creating the district, ordering the preparation of the engineer's report, approving the engineer's report, and directing the preparation of the plans and specifications for Street Improvement District No. SI 603

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Engineering Report & Boundary Map - SI603

ENGINEER'S REPORT
Street Improvement District Six Hundred and Three (SI 603)

General Nature, Purpose and Benefit

Street Improvement District No. 603 consists of one unit of street maintenance. Street maintenance would include areas of milling & overlaying, curb and gutter repair, curb extensions, drainage improvements, concrete pavement repair, new sidewalk, ADA ramp improvements, roadway and pedestrian LED lighting, landscaping, bike racks, benches, pavement markings, transit improvements, signal removal and related items.

The streets within this district are at a critical point where the proposed maintenance application can extend the life of the pavement. Additional improvements support the design recommendations of the City of Bismarck Downtown Design Guidelines document along with federal, state and local code requirements.

The boundaries of the district were drawn to include all parcels which receive a benefit from the improvements of this district as per the current special assessment policy approved by the City Commission. Please see attached map.

Cost Feasibility

Schedule A - Project Costs included as set out in Section 40-22-01 of the NDCC and as advertised under section 40-22-19 of the NDCC.

Roadway Maintenance Costs	\$	2,187,000.00
Subtotal	\$	2,187,000.00
10% Contingency	\$	218,700.00
Total Schedule A Cost	\$	2,405,700.00

Schedule B - Other Project Costs not otherwise included above.

Engineering Fees	\$	240,570.00
Administration Fees	\$	72,171.00
Interest During Construction	\$	48,114.00
Advertising and Legal	\$	72,171.00
Total Schedule B Cost	\$	433,026.00

Project Cost Summary

Schedule A Costs	\$	2,405,700.00
Schedule B Costs	\$	433,026.00
Total Estimated Improvement Cost	\$	2,838,726.00

Funding Summary

Special Assessments	\$	1,228,726.00
Federal Grant	\$	1,610,000.00
Total Funding	\$	2,838,726.00

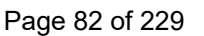
This work was prepared by me or under my direct supervision. We believe this project to be cost effective.




Linda J, Oster, P.E.
Assistant City Engineer

☐ Street Improvement District

Lots





Engineering Department

DATE: June 23, 2026

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 604

REQUEST:

Resolutions for declaring petitions have been received, creating the district, ordering the preparation of the engineer's report, approving the engineer's report, and directing the preparation of the plans and specifications for Street Improvement District No. SI 604.

BACKGROUND INFORMATION:

Street Improvement District No. 604 consists of one unit of new asphalt pavement, curb and gutter, ADA ramps and related work. The overall length of this project is approximately 1,600 linear feet of new roadway in Paradise Valley and Paradise Valley Second Additions.

The engineer's report and boundary map for the district are attached. The report will be posted to the city website upon City Commission approval at www.bismarcknd.gov/streets.

UNIT NO. 1 (100% petitioned)

Paradise Drive - from Mariner Avenue to 460' west of Rutland Drive

Mariner Avenue - from Washington Street to 300' east of Paradise Drive

Project Schedule

Resolution Creating District

June 23, 2026

Authorization to Advertise

August 11, 2026

Receipt and Opening of Bids

September 1, 2026

Award of Bid

September 8, 2026

Project Completion

Fall 2027

RECOMMENDED CITY COMMISSION ACTION:

Approve resolutions declaring petitions have been received, creating district, ordering the preparation of the engineer's report, approving the engineer's report, and directing the preparation of the plans and specifications for Street Improvement District SI 604.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Engineering Report - SI604

ENGINEER'S REPORT

Street Improvement District No. 604

General Nature, Purpose and Benefit

Street Improvement District No. 604 consists of one unit of new asphalt pavement, curb and gutter, and related work. Unit 1 includes approximately 1,600 LF of new roadways in Paradise Valley and Paradise Valley Second Additions.

The streets within this district will extend the City's road network as requested by the majority landowner for the continued growth of the City of Bismarck.

The boundary of the district was drawn to include the parcels which receive a benefit from the improvements of this district as per the current special assessment policy approved by the City Commission. Please see attached map.

Cost Feasibility

Schedule A - Project Costs included as set out in Section 40-22-01 of the NDCC and as advertised under section 40-22-19 of the NDCC:

New Roadway Paving Costs	\$	543,000.00
Subtotal	\$	543,000.00
10% Contingency	\$	54,300.00
Total Schedule A Cost	\$	597,300.00

Schedule B - Other Project Costs not otherwise included above:

Sign Costs	\$	750.00
Engineering Fees	\$	59,800.00
Administration Fees	\$	29,900.00
Interest During Construction	\$	17,900.00
Advertising and Legal	\$	12,000.00
Total Schedule B Cost	\$	120,350.00

Project Cost Summary:

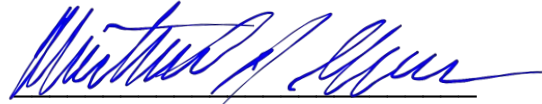
Schedule A Costs	\$	597,300.00
Schedule B Costs	\$	120,350.00
Total Estimated Improvement Cost	\$	717,650.00

Funding Summary:

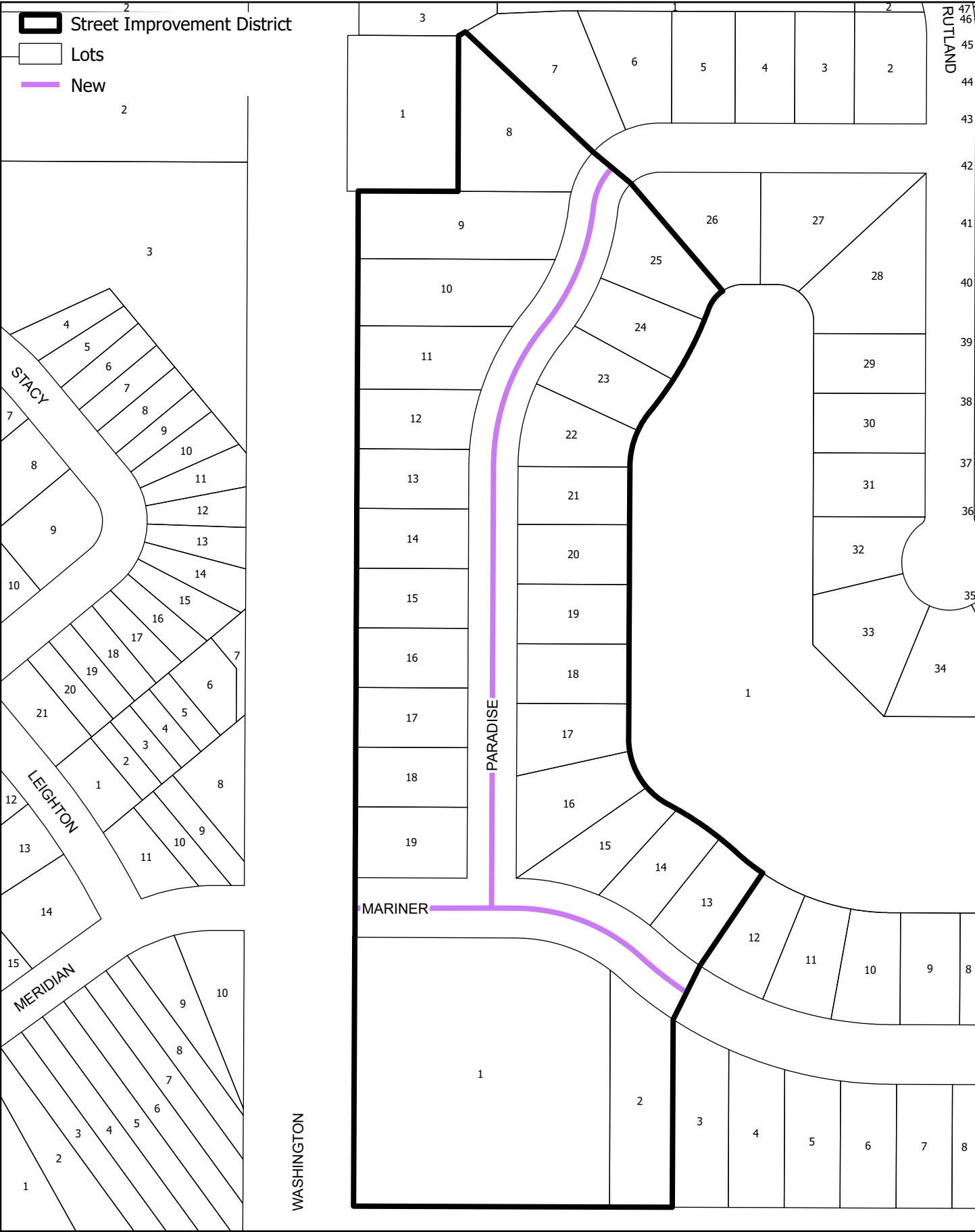
Special Assessments	\$	717,650.00
Total Funding	\$	717,650.00

This work was prepared by me or under my direct supervision. We believe this project to be cost effective and reflects our best information at this time.




Michael J. Greer, P.E.
Design and Construction Engineer

SI 604





Human Resources Department

DATE: June 23, 2026

FROM: Leanne Schmidt, Human Resources Director

ITEM: City of Bismarck Title VI Plan Update

REQUEST:

Updated City of Bismarck Title VI Plan.

BACKGROUND INFORMATION:

The MPO helps facilitate Title VI Plan Monitoring review, which covers Title VI processes for the City of Bismarck (as Recipient) and Bis-Man Transit (as Subrecipient).

RECOMMENDED CITY COMMISSION ACTION:

Approve the updated City of Bismarck Title VI Plan

STAFF CONTACT INFORMATION:

Chelsey Ruud, HR Assistant, 701-355-1344, cruud@bismarcknd.gov

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

ATTACHMENTS:

1. Title VI Plan DRAFT



CITY OF BISMARCK

TITLE VI PLAN

June 2026

Title VI Coordinator

Leanne Schmidt, Director of Human Resources

221 N 5th Street, PO Box 5503, Bismarck, ND 58506-5503

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I. EQUAL EMPLOYMENT OPPORTUNITY ACT (EEO)

A. Equal Employment Opportunity (EEO) Report

The City of Bismarck is an equal opportunity employer and has employment policies that adhere to the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA).

Bi-annually, the City of Bismarck submits an EEO-4 Report on the demographics of its workforce. This is a required report for employers of 15 or more employees.

There is also EEO information submitted voluntarily by applicants of all posted positions. That information goes with the applicant if they become an employee.

The City of Bismarck is an equal opportunity employer and does not discriminate against or exclude any particular class of people based on race, color, religion, sex, national origin, age, disability, or genetic information. Vacancies are advertised on the City of Bismarck website, which is accessible to both internal and external candidates.

B. Organization, Staffing, and Responsibilities

The City of Bismarck operates under the commission form of municipal government; four commissioners and a mayor are elected at large and reside within the city limits. The City of Bismarck does not recognize wards or districts from which electors must reside. The Mayor serves as the President of the Board of City Commission. The President (Mayor) votes as a member of the board and does not have veto power.

There are five portfolios designated to each member of the City Commission. Each commissioner is responsible for serving as the liaison with the city department directors and committees, councils, or boards assigned. They prioritize their focus and communications to support operations. Every two years, after each election, a reorganization meeting is scheduled to distribute the portfolios to each commissioner.

Additionally, the city commission is advised by a number of boards and committees. The purpose and responsibilities of each are listed below.

Positions on the City of Bismarck's commissions, councils, boards, and committees are elected or appointed and are listed below. The organization members will be polled annually and given an opportunity to self-attest to their race and gender.

The City of Bismarck Administration Department ensures that notices for public meetings reach all segments of the impacted community. The Title VI Coordinator will identify the

effective media platforms to share announcements and notices. Announcements are made in social media, general circulation newspapers, community newspapers, email broadcasts, and posted at the City/County Building public area.

C. Purposes and Responsibilities

Bismarck Parking Authority

Parking Authorities are allowed under state law. The Bismarck Parking Authority provides convenient, reasonably priced parking to the residents, clients, customers, merchants, and employees of the Downtown Parking District. The Parking Authority currently manages three ramps and one surface lot. The Bismarck City Commission appoints members and must be residents of the City of Bismarck, as well as other requirements for ownership in the affected area.

<http://www.bismarckparkingauthority.com/>

City Commission

The Board of City Commissioners has the sole authority to pass and adopt rules and regulations concerning the organization, management, and operation of all the departments of the city and the other agencies created by it for the administration of the city's affairs. Reference: NDCC Sec. 40-09-14

Historic Preservation Commission

The Historic Preservation Commission is a seven-member board that carries out matters related to the Historic Preservation Ordinance of the City of Bismarck. Their duties include advising on matters related to nominations to the National Register of Historic Places, working to promote and educate about the City's history, heritage, historic properties, and past citizens, and serving as a local historic resource for the citizens and other City Boards/Commissions seeking historic expertise.

<https://bismarcknd.gov/1870/HIstoric-Preservation-Commission>

Library Board

The Library Board of Directors governs library operations. Board members must be residents of Bismarck and are appointed by the City Commission under the authority of state statute to three-year terms. Meeting dates are subject to change by action of the Board. <http://www.bismarcklibrary.org/159/Library-Board>

Metropolitan Planning Organization (MPO) Policy Board

The Bismarck-Mandan MPO consists of the cities of Bismarck, Mandan, Lincoln, and portions of Burleigh and Morton Counties. The Policy Board represents the member

cities/counties and is the decision-making body of the MPO.

<https://www.bismarcknd.gov/133/Metropolitan-Planning-Organization>

D. Selection Process

The City of Bismarck follows a process for appointing individuals to the various advisory boards within local government. When a position becomes vacant, the City Administration Department works collectively with other City departments to advertise the vacancy and announce the application for appointment. The local newspaper, the Bismarck Tribune, is provided with a press release containing information pertinent to the vacant position. The announcement is also posted on the City's social media accounts and the City's official website- bismarcknd.gov. In most cases, residency in the city is a requirement for serving as a board or committee member. The exception would be the City Planning and Zoning Commission, which provides two positions for individuals who live within the City's Extra Territorial Area (ETA); these representatives reside within Burleigh County but outside the corporate limits of the City of Bismarck.

The City of Bismarck provides a unified advisory board application to any member of the public who is interested in applying for an open position on a board. The applications are collected by the department director whose department staffs the advisory Board. The department director reviews each application to determine qualifications and credentials appropriate for serving in an advisory capacity. A recommendation from the department director is provided to the Board of City Commissioners, at which time the Commission is tasked with confirming the recommendation or passing on the application(s) at a regularly scheduled meeting, which occurs on the second and fourth Tuesday of each month.

E. EEOC Reporting for Publicly Held Meetings

The Civil Rights Act of 1964 and related nondiscrimination authorities require the North Dakota Department of Transportation to ensure everyone has the opportunity to comment on the transportation programs and activities that may affect their community.

The City of Bismarck monitors attendance to ensure equal opportunity at all publicly held meetings. The public participation survey found at the NDDOT's website <https://www.dot.nd.gov/forms/sfn60149.pdf> is be presented for voluntary participation of the attendees. This survey is for affirmative action purposes only. It will aid in monitoring attendance, determining demographics being reached, and how to announce future meetings to the public.

II. AMERICANS WITH DISABILITIES ACT (ADA)

F. Title VI Coordinator

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the City's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Proactively ensures that the City is in compliance with nondiscrimination requirements of Title VI and reports to City of Bismarck leadership on the status of Title VI compliances.
2. Responds promptly to requests by Federal Authorities for data and records and for the scheduling of compliance reviews and other meetings to determine compliance with Title VI and related requirements.
3. Process the disposition of Title VI complaints received by the City and forward them to the applicable Federal Authorities within 15 days of receipt, together with any actions taken to resolve the matter.
4. Provides applicable Federal Authority with updates regarding its response and status of early resolution efforts to complaints concerning Title VI and related requirements (49 CFR Part 21, Appendix C(b)(3)), including resolution efforts.
5. Coordinates data collection to evaluate whether racial or ethnic groups are unequally benefited or impacted by City programs. The data will be regularly assessed and readily available upon request (49 CFR § 21.9(b) & (c)). Data collection methods may include but are not limited to optional demographic questions in City customer satisfaction surveys, customer complaints, City event sign-in sheets, bids/proposals for City contracts, and other methods.
6. Maintains demographic data for members of appointed planning and advisory bodies for the Airport and identifies any disparities compared to the community. Provides information to the membership selecting official/committee, particularly when vacancies occur.
7. Collect statistical data (race, color, sex, age, disability, or national origin) of participants in and beneficiaries of state highway programs, e.g., relocates, affected citizens, and impacted communities.
8. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid highway fund contracts administered through the City.
9. Annually reviews City Title VI Plan program directives and, where applicable, includes Title VI language and related requirements. Disseminate information throughout the staff and City leadership.
10. Conduct training programs on Title VI and other related statutes, including anti-harassment training, language, and assistance resources and practices, collecting and assessing demographic data, reporting Title VI complaints and other required program-specific notifications for City employees and, which include the following: Include a statement about the City of Bismarck's Title VI

- Plan in the Employee Newsletter, advise all employees of the availability of the Title VI Plan on the City of Bismarck's Intranet, post the Title VI Plan on the City of Bismarck Internet, post the Title VI Plan on employee bulletin boards at City of Bismarck worksites, inform all employees that a copy of the Title VI Plan is available upon request and instruct all new employees about the Title VI Plan during orientation. See appendix for department-specific sponsor responsibilities.
11. Prepare a yearly report of Title VI accomplishments and goals, as required.
 12. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English, and post the Title VI Plan on the City of Bismarck web page.
 13. Conduct post-grant approval reviews of City programs and applicants (e.g., highway location, design and relocation, and persons seeking contracts with the City) for compliance with Title VI requirements.
 14. Identify and take corrective action to help eliminate discrimination.
 15. Establish procedures to promptly resolve identified Title VI deficiencies. Document remedial actions agreed to be necessary. Provide remedial actions within 90 days of identification of a deficiency.
 16. Establish, maintain, and coordinate a Limited English Proficiency Plan as detailed within this document.
 17. Ensure federally sponsored programs have and maintain a Community Participation Plan (CPP).
 18. Maintains a copy of 49 CFR Part 21 for inspection by any person asking for it during normal working hours (49 CFR 21, Appendix C (b)(2)(i)).

G. ADA Coordinator

The Americans with Disabilities Act (ADA) of 1990 is a companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against people with disabilities. ADA implementing regulations to Title II of the act prohibit discrimination in the provision of services, programs, and activities by state and local governments such that "...No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity." 28 CFR § 35.130(a).

The City of Bismarck will make every reasonable accommodation to provide an accessible meeting facility for all persons and ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, 28 CFR §35.160. Individuals may request appropriate provisions, auxiliary aids, or services (such as sign language, interpreter, accessible parking, or materials in alternative format) by contacting the ADA Coordinator, Director of Human Resources, City of Bismarck, at 701-355-1330 or TDD 711, or at hr@bismarcknd.gov.

The Americans with Disabilities Act requires public agencies with more than 50 employees to create and maintain a transition plan. The City of Bismarck employs more than 50 employees; for information about the City of Bismarck's ADA transition plan, please contact Human Resources Department. Contact information is listed above.

As the Americans with Disabilities Act is companion civil rights legislation with the Civil Rights Act of 1964, all disability/handicap-related complaints will follow the complaint procedures and forms as outlined in the City of Bismarck Title VI and Nondiscrimination Program.

Complaints about violations of ADA by units of state and local governments may also be filed directly with the US Department of Justice. For assistance, please call the toll-free ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY) or go to <http://www.ada.gov/>.

H. Disadvantage Business Enterprise (DBE) Liaison Officer

The DBE Liaison Officer shall have direct, independent access to the Mayor as the Chief Executive Officer for the City of Bismarck concerning DBE program matters. The liaison officer is responsible for implementing all aspects of your DBE program. You must also have adequate staff to administer the program in compliance with this part.

I. City of Bismarck Title VI/Nondiscrimination and ADA Policy Statement

The City of Bismarck prohibits discrimination on the basis of race, color, national origin (including limited English proficiency (LEP)), sex (including sexual orientation and gender identity), creed, or age, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), Section 520 of the Airport and Airway Improvement Act of 1982 (if applicable), Section 162(a) of the Federal-Aid Highway Act of 1973 of 23 USC 324 (if applicable), Age Discrimination Act of 1975g, and Section 504 of the Rehabilitation Act of 1973/ADA of 1990 and related authorities (hereafter, "Title VI and related requirements"). Title VI and the additional Nondiscrimination requirements are applicable to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

There are two Presidential Executive Orders that place further emphasis on the Title VI protections of race and national origin. Executive Order 12898 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 directs recipients of Federal financial

assistance that to ensure compliance with Title VI; they must take reasonable steps to ensure that limited English proficiency persons have meaningful access to their programs.

The City of Bismarck is personally committed to and supports taking all steps to ensure that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by The City of Bismarck, its recipients, sub-recipients, and contractors. Additionally, the City of Bismarck agrees, among other things, to understand the communities surrounding or in the flight path of its Airport, as well as customers that use the Airport. Anytime communities may be impacted by programs or activities, the City of Bismarck takes action to involve them and the general public in the decision-making process.

The City of Bismarck Human Resources Director is appointed as the Title VI Coordinator and ADA Coordinator and is granted the authority to develop, administer, and monitor the Title VI/Nondiscrimination and ADA Program as promulgated. The City of Bismarck requires nondiscrimination assurances from each tenant, contractor, and concessionaire providing an activity, service, or facility at any federally funded location in the City of Bismarck, including the Airport and other entities. Assurances must be included in any related lease, contract, or franchise agreement between the City of Bismarck and each tenant, contractor, and concessionaire, as well as in any similar agreements with their sub-tenants and sub-contractors.

Anyone who needs additional information or believes that he or she has been discriminated against should contact Human Resources Title VI Coordinator and ADA Coordinator, PO Box 5530, Bismarck, ND 58506, hr@bismarcknd.gov or 701-355-1330. TTY users may call Relay North Dakota at 711 or 1 800-366-6888 (toll-free).

III. LIMITED ENGLISH PROFICIENCY PLAN

J. Introduction

This Limited English Proficiency Plan (LEP) has been prepared to address the City of Bismarck's responsibilities as a sub-recipient of federal financial assistance as they relate to the needs of individuals with Limited English Proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 USC 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166, titled ***Improving Access to Services for Persons with Limited English Proficiency***, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients, clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds, including all the City of Bismarck and its sub-recipients.

K. Plan Summary

The City of Bismarck has developed this ***Limited English Proficiency Plan*** to help identify reasonable steps for providing language assistance to individuals with Limited English Proficiency (LEP) who wish to access the services provided. As defined in Executive Order 13166, LEP individuals are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP individuals that assistance is available.

In order to prepare this plan, the City of Bismarck used the four-factor LEP analysis, which considers the following factors:

1. The number or proportion of LEP persons served or encountered in the City of Bismarck.
2. The frequency with which LEP individuals come in contact with the program, activity, or services.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the Recipient and costs.

L. Meaningful Access: Four-Factor Analysis

1. The Number or proportion of LEPs served or encountered in the eligible service population.

The City of Bismarck is a local public agency with a defined service area as follows: areas within the boundaries of the city of Bismarck. Services may be provided by a specific area as follows: police, fire, administration, public works, library, and municipal court. The City of Bismarck's defined service area does not include the public school district or the park district.

All previous contacts with LEP persons were identified by language along with the type of service provided for the reporting period, January 1, 2023, through December 31, 2025. The following contacts occurred.

In-person contacts: In-person contacts are not specifically identified separately from the interpretive services in the last period.

Telephonic Interpreter Services:

Interpretive Services January 2023-December 2025)									
Department	Spanish	Haitian Creole	Swahili	French	Chuukese	Ukrainian	Mandarin	Marshallese	Russian
Airport	2			1					
Attorney	5	1							
Central Communications	295	1	3	5	2	2	2		2
City of Bismarck	2						2		
Community Development	4	1		2	1	1			
Fire	1								
Human Resources	4								
Municipal Court	83			3	4	2	2	8	
Police Department	175	6	18	6	2	6	8		2
Public Health	219	47	12	12	7	9	3		3
Public Works	9	2			1		2		
Grand Total	799	58	33	29	17	20	19	8	7

The City of Bismarck attempted to identify LEP minority populations that are eligible beneficiaries who may be underserved because of existing language barriers.

Additional data on LEP populations was obtained from sources such as census, school systems, religious organizations, community organizations, community agencies, and state and local governments.

The City of Bismarck consulted additional data sources:

US Census for the City of Bismarck

- 2017-2021 American Community Survey 5-Year Estimates
 - The City of Bismarck staff reviewed the 2017-2021 American Community Survey 5-Year Estimates for the City of Bismarck and determined that 3,170 individuals in the city of Bismarck (4.6 % of the population) speak a language other than English. Of those, 1,059 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only 1.5 % of the overall population in the City of Bismarck.
 - Individuals with Limited English Proficiency that are greater in number than 5% of the language group are:

Language	Total	Total who speak English Less than very well	Percent
Spanish	888	395	44%
German or West Germanic languages	698	75	11%
Other Unspecified languages	318	106	33%
Russian, Polish, or other Slavic languages	285	127	45%
French, Haitian, or Cajun	257	135	52%
Other Indo-European languages	282	29	10%
Tagalog, (incl. Filipino)	223	75	34%
Arabic	88	65	74%
Vietnamese	66	9	14%
Chinese (Incl. Mandarin, Cantonese)	28	28	100%
Other Asian and Pacific Island languages	27	15	55%

Data from 2021: ACS 5-year Estimates Table B16001

- Characteristics of People by Language Spoken at Home – Table S1603, 2017-2021 ACS 5 Year Estimates report language estimates. Around 4% of all children, ages 5 to 17, speak a language other than English at home. For adults ages 18 and over, that number is 5%.

North Dakota Department of Public Instruction (NDDPI) - Reports the English Language Learner languages.

- In 2021-2022, NDDPI reported 3,534 ELL students in 12 school districts across ND. Bismarck Public School District has 388 ELL students, or about 9% of the ELL student population.

ND Department of Health & Services (NDDHHS) is administering the state refugee resettlement program. The Lutheran Social Services of North Dakota (LSSND) previously provided refugee resettlement in ND through January 2025.

- NDHHS is the state agency responsible for managing the resettlement of refugee programs in North Dakota.

Fiscal Year	Settled in Bismarck, ND
2023	76
2024	147
2025	15

2. The frequency with which LEP individuals encounter the program, activity, or service.

The City of Bismarck identified the frequency with which City of Bismarck staff have or should have contact with LEP individuals from different language groups seeking assistance. Spanish-speaking individuals are the most frequently encountered LEP language group.

Telephonic Interpreter Services (January 2023 to December 2025)												
Language	Jan.	Feb.	March	April	May	June	July	Aug.	Sep.	Oct	Nov.	Dec.
Spanish	47	53	48	33	78	93	84	65	86	73	83	56
Haitian Creole			1		2	9	14	9	7	5	3	8
Swahili	2	7	3	6	1	1		2	1	5	4	1
French	1	4	4	2	1	2	1		1	3	5	5
Chuukese		2	1					2	1		8	3
Ukrainian	5			1		1	2	4	2	2	2	1
Mandarin	3	1		4		3		1	1	1	5	
Marshallese								2	2	3	1	
Russian		1				1		1	1		1	2
Grand Total	58	68	57	46	82	110	101	86	102	92	112	76

Interpretive service contacts ranged from 1 per month to 93 per month per language.

In-person contacts are not specifically identified separately from the interpretive services in the last period.

3. The nature and importance of services provided by the City of Bismarck to the LEP population.

The City of Bismarck determined the importance of its services for the LEP population in its service area by reviewing and considering the following factors, including the identification of vital documents.

Identification of Vital Documents

A document will be considered vital if it contains information that is critical for obtaining federal services and/or benefits or is required by law.

- Examples:
 - Applications
 - Consent and complaint forms
 - Notices of rights and disciplinary action
 - Notices advising LEP persons of the availability of free language assistance

- Written tests that assess competency for a particular license, job, or skill for which English competency is not required
- Letters or notices that require a response from the beneficiary or client
- In larger documents, the translation of vital information contained within the document will suffice and need not be translated in its entirety.
- Outreach docs: It is difficult to determine if a vital lack of awareness may effectively deny LEP persons access. It's important to continually survey/assess the needs of eligible service populations to determine what outreach materials are critical to translate.

The City of Bismarck provides a Request for Reasonable Accommodations form for individuals to request services for oral or written translations as determined by the Four-Factor Analysis or defined by Safe Harbor requirements. Safe Harbor applies to written translations only.

Vital documents will be translated when a significant number of percentages of the population eligible to be served or likely to be directly affected by the program/activity need services or information in a language other than English to communicate effectively. The Title VI complaint form and ADA policy statement are identified as vital documents.

If the English language version is posted on the City of Bismarck website, the translation will be posted on the website.

The City of Bismarck considered the importance of immediate and long-term effects of a delay in written translations. Most services have several days to weeks allowed for comment or completion.

Failure to provide written translation under these cited circumstances does not mean that the City of Bismarck is in noncompliance; rather, it provides a starting point for the City of Bismarck to consider in relation to the Four Factors.

4. The resources available to the Recipient and costs.

The city has contracts for interpretive services with Propio and LanguageLine Solutions. Interpretation rates are listed below and paid by the city.

Oral phone and written interpretation service rates vary based on the language.

M. Language Assistance

A person who does not speak English as their primary language or who has a limited ability to read, write, speak, or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to City of Bismarck services.

Language assistance can include interpretation, which means an oral or spoken transfer of a message from one language into another language, and/or translation, which means the written transfer of a message from one language into another language.

After applying the four-factor analysis, the City of Bismarck has examined the following language assistance options and identified which methods will provide the City of Bismarck with an effective LEP Plan. Spanish-speaking individuals are most frequently encountered by the City of Bismarck.

Language Assistance Services

Oral Language Services

Using Propio Language Services interpreter lines offers prompt interpreting assistance in many different languages. Services are available 24 hours a day, 365 days a year by calling 800-514-9237, then providing a first name and a department access code. See Appendix G for more information.

- Contracting for Interpreters
 - The North Dakota Courts have an interpreters list available for independent contractors.
- Use of family members, friends, and other customers/passengers as interpreters
 - The City of Bismarck allows, at the request of LEP individuals, if they are not willing to speak with an interpreter provided by the City of Bismarck.

Written Language Services - Translation of Documents

For 'vital' City of Bismarck documents, if there are fewer than 50 persons in a language group (that reaches five percent of the population of persons eligible to be served or likely to be affected or encountered), the City of Bismarck does not translate 'vital' written materials but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

- Identification of Vital Documents
 - A document will be considered vital if it contains information that is critical for obtaining federal services and/or benefits or is required by law.
 - Examples:
 - Applications
 - Consent and complaint forms
 - Notices of rights and disciplinary action
 - Notices advising LEP persons of the availability of free language assistance
 - Written tests that assess competency for a particular license, job, or skill for which English competency is not required
 - Letters or notices that require a response from the beneficiary or client
 - For larger documents, the translation of vital information contained within the document will suffice and need not be translated in its entirety.
 - Outreach docs: difficult to determine if vital- lack of awareness may effectively deny LEP persons access. It's important to continually survey/assess the needs of eligible service populations to determine what outreach materials are critical to translate.

Failure to provide written translation under these cited circumstances does not mean that the sub-recipient is in noncompliance; rather, it provides a starting point for sub-recipients to consider in relation to the Four Factors.

N. Language Assistance Measures

The City of Bismarck employees will inform all LEP individuals attempting to access services that the City of Bismarck provides free interpreter services upon request for their interactions with the City of Bismarck.

When the City of Bismarck receives a request or identifies a need for services, the City of Bismarck will make every effort to provide the services in a timely manner. The City of Bismarck will pay for interpreter services and translation of vital documents as necessary.

O. Staff Training

Training includes how to obtain language assistance services and communication with interpreters and translators.

- Annual training is provided to all City of Bismarck employees.
 - o Information to know their obligations to provide meaningful access to information and services for LEP persons.
 - o Information on City of Bismarck LEP procedures
 - o Description of language assistance services offered to the public.
 - o Instructions to work effectively with telephone interpreters.
 - o Instructions for transferring calls with LEP individuals on the telephone line.
 - o Use contracted interpretive service vendor interpreter language lists and resource materials.

P. Monitoring

The City of Bismarck will update the LEP Plan as required. The plan has been updated with data from the 2020 US Census and is available when higher concentrations of LEP individuals are present in the City of Bismarck service area. Updates will include the following:

- The number of encountered LEP persons, by language, who received language assistance services annually.
- The frequency of encounters with LEP persons
- The current/primary language of LEP populations in the service area.
- Whether the need for translation services has changed.
- Whether local language assistance programs have been effective.
- Whether the City of Bismarck's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the City of Bismarck fully complies with the goals of this LEP Plan.
- Determine the number and type of complaints received concerning the needs of LEP individuals.
- Whether staff are knowledgeable about City of Bismarck LEP procedures.

Q. Dissemination of the City of Bismarck LEP Plan

- Post the City of Bismarck LEP Plan to their website.
- Post City of Bismarck LEP Plan in all City Buildings and employee breakrooms.
- Display free language assistance posters in all the City of Bismarck building's public areas.
- State on agendas, public notices, brochures, flyers, and ads that a Request for Reasonable Accommodation is available to request language assistance (oral interpretation and written translation) of documents from the City of Bismarck.

IV. TITLE VI COMPLAINTS

R. Title VI/ADA Complaint Procedure

This procedure outlines the Title VI and ADA complaint procedures related to providing programs, services, and benefits. It does not deny the Complainant the right to file formal complaints with the applicable state or federal agency or to seek private counsel for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law.

Title VI of the Civil Rights Act of 1964 and Titles II and III of the Americans with Disabilities Act of 1990 requires that no person in the United States shall, on the grounds of disability, race, color, or national origin, be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Any person who believes that they have been subjected to discrimination may file a written complaint with the City of Bismarck. Complaints must be filed within 180 calendar days of the alleged incident.

The Complainant may download the complaint form from the CITY OF BISMARCK website (<https://www.bismarcknd.gov/1413/Title-VI>) or request the complaint form from the Title VI Coordinator.

The complaint will include the following information:

- a. Name, address, telephone number and email address of the Complainant.
- b. The cause of discrimination, i.e., race, color, national origin, sex, age, disability or limited English proficiency.
- c. The name of the public entity complaint is against.
- d. The explanation of what happened and dates and location of the alleged discriminatory act.
- e. Complainant's signature and date.
- f. If the Complainant is unable to write a complaint, City of Bismarck staff will assist the Complainant.
- g. The complaint may be mailed to the following address: City of Bismarck, 221 N. Fifth St, Bismarck, ND 58501.
- h. The complaint may be sent via email to Ischmidt@bismarcknd.gov. The Complainant also has the right within the 180-day timeframe to file a Title VI or ADA claim with the appropriate agency:

North Dakota Department of Transportation Civil Rights Division 608 E Boulevard Ave. Bismarck, ND 58507-0700 Phone: (701) 328-2576 TTY: 711 or (800) 366-6888 Email: civilrights@nd.gov	United States Department of Transportation (USDOT) Departmental Office of Civil Rights US Department of Transportation Office of Civil Rights 1200 New Jersey Ave., SE. Washington, DC 20590 Phone: (202) 366-4648 Fax: (202) 366-5575 TTY/Assistive Device: (202) 366-9696
FHWA North Dakota Division Office 4503 Coleman St. N., Suite 205 Bismarck, ND 58503 Phone: (701) 250-4204 Fax: (701) 250-4395 Email: NorthDakota.fhwa@dot.gov	USDOJ - Race, Color, National Origin Complaints Federal Coordination and Compliance Section - NWB Civil Rights Division US Department of Justice (USDOJ) 950 Pennsylvania Avenue, NW. Washington, DC 20530 Phone: (888) 848-5306 (English and Spanish) (202) 307-2222 (voice) (202) 307-2678 (TDD)

United States Department of Transportation (FHWA) Federal Highway Administration US Department of Transportation Office of Civil Rights 1200 New Jersey Ave., SE. 8th Floor E81-105 Washington, DC 20590 Phone: (202) 366-0693 Fax: (202) 366-1599 TTY: (202) 366-5132 Email: CivilRights.FHWA@dot.gov	USDOJ - ADA Complaints US Department of Justice (USDOJ) 950 Pennsylvania Avenue, NW. Civil Rights Division Disability Rights Section – 1425 NYAV Washington, DC 20530 Fax: (202) 307-1197 ADA Information Line: (800) 514-0301 (voice) or (800)514-0383 (TTY) Main Section Telephone Number: (202) 307-0663 (voice and TTY)
Federal Transit Administration (FTA) Office of Civil Rights Attention: Complaint Team East Building, 5th Floor - TCR 1200 New Jersey Ave., SE. Washington, DC 20590 Phone: (888) 446-4511	Federal Aviation Administration Office of Civil Rights (ACR-4) 800 Independence Avenue SW Washington DC, 20591 (718)553-3297 Complaint link: https://www.faa.gov/about/office_org/headquarters_offices/acr/external-discrimination-complaints/form

Internal Complaint Referral. All Title VI complaints received by departments must be promptly forwarded to the coordinator within five business days of receipt.

The City of Bismarck will begin an investigation and will contact the Complainant in writing no later than fifteen (15) working days after receipt of the Title VI complaint or five (5) days after receipt of the ADA complaint. The Complainant will be notified within 30 days if additional information is required to investigate the complaint. If the Complainant fails to provide the requested information on a timely basis, the City of Bismarck may administratively close the complaint.

The City of Bismarck will use its best effort to complete the investigation of Title VI and ADA complaints within sixty (60) calendar days of receipt of the complaint. A written investigation report will be prepared by the investigator and sent to the Complainant filing the complaint. The report shall include a summary description of the incident, findings, and recommendations for disposition.

Consultation with Legal Counsel. In each case, the coordinator will consult with the Legal Counsel regarding the investigation and the report. Legal counsel will ensure that the report is consistent with the applicable Title VI nondiscrimination requirements.

Forwarding Report and Response to Complainant. At the completion of the investigation, the Complainant and respondent will receive a letter of findings and determination of the investigation and any applicable resolution. The letter transmitting the findings and any applicable resolution will state City's conclusion regarding whether unlawful discrimination occurred and will describe the Complainant's appeal rights.

Intimidation and Retaliation Prohibited. City of Bismarck employees, contractors, and tenants will not intimidate or retaliate against a person who has filed a complaint alleging discrimination.

Appeal Rights. The Complainant must be notified of their right to appeal the findings or determinations and of the procedures and requirements for an appeal:

- The Complainant may appeal in writing to the Bismarck City Administrator
- The written appeal must be received within ten (10) business days after mailing of the written decision.
- The written appeal must contain all arguments, evidence, and documents supporting the basis for the appeal.
- The Bismarck City Administrator will issue a final written decision in response to the appeal.

This complaint procedure is shared with the public through the following methods:

- Websites, In-person, and Other Distribution Methods

Bismarck Airport Additional Procedures

Initial FAA Notification. A copy of each Title VI complaint will be forwarded to the FAA within 15 days of initial receipt (not the date that the coordinator was notified). The airport staff supporting the coordinator will forward a copy of the complaint and a statement describing all actions taken to resolve the matter and the results thereof to the FAA Civil Rights staff. (Note: complaints based on disability do not have to be forwarded to FAA.) To transmit complaint information to the FAA, the Coordinator will upload information to the FAA Civil Rights Connect System, which issues automated notifications to FAA staff. The coordinator will also seek technical assistance from the FAA, as needed, throughout the complaint intake, investigation, and resolution process.

Cooperation with FAA. The coordinator will promptly investigate all Title VI complaints, including those referred by the FAA for investigation. If the FAA is investigating a complaint against the City of Bismarck, the Coordinator will avoid interfering with the FAA investigation, cooperate with the FAA when needed, and share factual information with the FAA.

A summary of the investigation report, any appeal, or follow-up actions will be sent to the FAA via the FAA Civil Rights Connect System.

S. TITLE VI YEARLY REPORTING PRACTICE

At the end of each fiscal year, the City of Bismarck will have a yearly complaint reporting log. This will list all Title VI complaints that have come in during that time frame.

The City of Bismarck will identify and implement measures to reduce the chances of similar discrimination in the future.

V. TITLE VI PROGRAM MONITORING

Title VI program monitoring exists at both the recipient and subrecipient level. Each City department that receives federal funds has staff participation in an internal Title VI workgroup. Annually at a minimum, the workgroup convenes to review the Title VI plan and any areas of concern. Each department is required to monitor Title VI requirements specific to each funding agency. No program areas are outside of compliance at this time.

The Title VI Recipient Checklist/Form and the Title VI Subrecipient Monitoring Checklist/Form will be completed on an annual basis and provided to appropriate federal agencies requiring them at appropriate times. The Forms are a Word document and provide additional detail to accompany the checklist, which is saved in Excel. The suggested review period is in January to cover activities of the prior year (January-December). A representative from the City of Bismarck Human Resources Department and/or an assigned City personnel will complete the Title VI Recipient Checklist to ensure the City's Title VI procedures and plan follow federal regulations. The DBE Liaison Officer will follow up with the city personnel to ensure the City's checklist is completed. The DBE Liaison Officer will also complete the Title VI Subrecipient Monitoring Checklist to ensure that the City's Title VI processes and plan are being carried out. At a minimum, both checklists will be collected and saved by the DBE Liaison Officer for review annually. If requested by a federal agency, the checklists may also be uploaded to TrAMS or sent directly to the Title VI Oversight Agent at FTA Region 8 or another location. The following pages provide the questions and framework for the checklists as mentioned above.

Additional Information/Actions Requested of Sub-Recipient of the FTA Only:

1. Listing of Title VI complaints/lawsuits that have occurred since the latest Title VI program Submission.
2. List of transit facilities sited since the last Comprehensive Review and a copy of corresponding equity analyses.
3. List of transit facilities to be constructed/leased in the upcoming three Federal fiscal years and a copy of equity analysis completed or scheduled for equity analysis completion.
4. List of any fare increases or major service changes since the latest Title VI program submission, the date of the change, and a brief description of the change.
5. Any service equity and/or fare equity analyses conducted since the submission of the last Title VI program for fare or major service changes.
6. Any service equity and/or fare equity analyses conducted since the submission of the last Title VI program for new fixed guideway service, New Starts, or Small Starts projects.
7. Competitive selection or annual program of projects process.
8. List of all sub-recipient applications received during the review period and identify those:
 - a. Accepted or Rejected
 - b. Applicants that are minority organizations or that serve minority or low-income communities
 - c. Amount of funds allocated
9. Are there any other known issues that should be addressed within the Subrecipients Title VI Plan?

VI. GOALS AND ACCOMPLISHMENTS

Goals: The City of Bismarck has cited these as the goals to reach.

1. Provide a good response to the City of Bismarck's Title VI plan during any potential audit.
 2. Transition responsibilities of Title VI coordination to an HR Generalist who will continue to work with the Title VI Coordinator.
 3. Collaborate with the commissions, councils, boards, and committees to provide information by explaining the forms and their purpose to encourage participation.
 4. Prepare and present for all-staff training during the year.
 5. Continue to update the City of Bismarck's Title VI plan.
- Continue to update the City of Bismarck's ADA plan which is part of the Title VI plan. .6
7. Gather updated census information as available.
 8. Monitor the NDDOT Title VI website for any required form updates and make changes to posted documents as needed.

Accomplishments: During the triennial period, here are the accomplishments obtained by the City of Bismarck in compliance with the Title VI program.

1. The completed thorough review and update of the City of Bismarck Title VI Plan.
2. The City of Bismarck employees reviewed annual training material on Title VI and Limited English Proficiency.
3. The City of Bismarck's Title VI program coordination continues to be with the MPO's Title VI program to assist each other with questions and ideas and help to ensure each program flourishes.
4. Ensured continued interpretive services with the change to Propio Language Services and provided updated information to departments and employees.

Training:

New employee orientation incorporates Title VI training. Topics include:

- Title VI and related laws prohibit discrimination on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age.
- Title VI complaints must be forwarded to the Coordinator.
- Protections against retaliation for filing civil rights complaints or related actions.
- Title VI notices must be displayed throughout the Airport's public facilities.
- All contracts must include Title VI clauses.
- Language interpretation and translation services.
- Cultural and community relations sensitivity training.
- Anti-harassment training.

Refresher information will be provided annually.

VII. APPENDIX

City of Bismarck

T. Standard Title VI/Non-Discrimination Assurance and Appendices

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A

The City of Bismarck (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

Statutory/Regulatory 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);
- 49 C.F.R. Part 21 (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Bismarck, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or

Appendix A of 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 Nondiscrimination in Federally assisted programs of the US Department of Transportation, the Federal Highway Administration, the Federal Aviation Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract. The link to FAA contract provisions is found at https://www.faa.gov/airports/aip/grant_assurances/#current-assurances.
2. Nondiscrimination: 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, the Contractor will notify each potential subcontractor or supplier of the Contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination 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. canceling, 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 act 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 litigation to protect the interests of the United States.

Appendix B of the Title VI Assurances

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the US Department of Transportation as authorized by law and upon the condition that the City of Bismarck will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the US Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, US Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the US Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 USC § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Bismarck all the right, title and interest of the US Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Bismarck and its successors forever, subject, however, to the covenants, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Bismarck, its successors and assigns.

The City of Bismarck, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the City of Bismarck will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, US Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the US Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the US Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

Appendix C of the Title VI Assurances

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Bismarck pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc., as appropriate) for themselves, their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a US Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of a breach of any of the above Nondiscrimination covenants, the City of Bismarck will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued. *
- C. With respect to a deed, in the event of a breach of any of the above Nondiscrimination covenants, the City of Bismarck will have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities will thereupon revert to and vest in and become the absolute property of the City of Bismarck and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

Appendix D of the Title VI Assurances

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the City of Bismarck pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non- discrimination covenants, The City of Bismarck will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of a breach of any of the above Nondiscrimination covenants, the City of Bismarck will thereupon revert to and vest in and become the absolute property of the City of Bismarck and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

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 nondiscrimination statutes and authorities, including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 USC § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination based on race, color, and national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC § 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 USC § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 USC § 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 USC § 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 USC §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 USC § 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 discrimination 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 USC 1681 *et seq.*).

U. Airport Specific Provisions

Title VI Policy Statement

City of Bismarck assures that no person shall on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex (including sexual orientation and gender identity), creed, or age, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), Section 520 of the Airport and Airway Improvement Act of 1982, and related authorities (hereafter, "Title VI and related requirements"), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives U.S. Department of Transportation (DOT) funding. Title VI also prohibits retaliation for asserting or otherwise participating in claims of discrimination.

City of Bismarck further assures every effort will be made to ensure nondiscrimination in all its programs and activities, whether those programs are federally funded or not. The Airport Sponsor agrees, among other things, to understand the communities surrounding or in the flight path, as well as customers that use the airport. Anytime communities may be impacted by programs or activities the City of Bismarck will take action to involve them and the general public in the decision-making process.

City of Bismarck requires nondiscrimination assurances, as prescribed by FAA, from each tenant, contractor, and concessionaire providing an activity, service, or facility at the airport. Assurances must be included in any related lease, contract, or franchise agreement between City of Bismarck and each tenant, contractor, and concessionaire, as well as in any similar agreements with their own sub-tenants and sub-contractors.

Leanne Schmidt available at (701) 355-1330 and hr@bismarcknd.gov, is responsible for overseeing the Airport Sponsor's compliance with Title VI and the point of contact for all airport Title VI matters and related responsibilities, including those required by 49 CFR Part 21.

Signature

Effective Date

Leanne Schmidt

Director of Human Resources

[Effective Date plus 3 years]

3-Year Expiration Date

In addition to the Coordinator and City's leadership, the following people also assist with our Title VI program requirements specifically for the city's Airport:

Staff Supporting Title VI Program	Airport Sponsor Program / Office
Assistant Airport Director	Bismarck Airport

The City has the following airport program sub-recipients:

Sub-Recipients

<i>None</i>

As of the date of this plan, **the City** has the following pending applications for Federal financial assistance for Airport projects:

Federal Source	Grant Number	Amount
FAA AIP Special Discretionary	TBD (Wetland Phase 9)	\$8,100,000

In addition, the **City's Airport's** sub-recipients have the following pending applications for Federal financial assistance (either directly from the FAA or passed through the State DOT).

Federal Source	Grant Number	Amount
<i>None</i>		

Updated information for pending and awarded grant applications will be available through the following methods:

Federal Source	Grant Award Information Available at:
FAA-Dakota Minnesota ADO	Kyle Sebesta, Kyle.E.Sebesta@faa.gov .

The Coordinator has not requested and received access to the Title VI portion of the FAA Civil Rights Connect System (<https://faa.civilrightsconnect.com/>); however, Airport staff supporting Title VI Program, Timothy Thorsen has received access to the Title VI portion of the Civil Rights Connect System.

The City of Bismarck will conspicuously display the FAA-provided Unlawful Discrimination Poster in all public areas on airport property, including those with pedestrian activity. The Coordinator ensures that these posters are visible, accessible,¹ and maintained. The poster

¹ For more information about website accessibility, please visit ADA.gov.

template is available at [Unlawful Discrimination Poster \(faa.gov\)](https://www.faa.gov/airports/airside/development/terminal/posters), and a completed copy is attached. See Section 15 Appendix.

Posters are displayed in the terminal and other areas on City of Bismarck Airport property, including the following public locations:

Terminal/FBO/Concessions/ Other Locations	Quantity in Pre-Security Area	Quantity in Post-Security Area	Additional Quantities
All three Passenger Terminal Entrances and Information Center Passenger Boarding Area	4	2	0
Car Rental Counters	3		
FBO Lobbies			2
Runway Express Lobby			1

"Affected Communities" means any readily identifiable group potentially impacted by an airport project or operation, such as the community immediately surrounding a project or a community in the flight path. The City of Bismarck Administration Department contacts leaders and representatives in Affected Communities directly to confirm effective media platforms to reach all Affected Communities² and provide important feedback on translated materials. The office maintains records of all such notices and the efforts made to reach each of the Affected Communities.

Detailed information on our public notice and outreach procedures is available in the Bismarck Airport Community Participation Plan ("CPP"). A copy of the CPP is available at <https://www.bismarckairport.com/>. A copy of each CPP report completed since the last Title VI Plan will be attached to the CPP.

To ensure that the community is effectively informed of and able to participate in public hearings, Bismarck Airport includes public notices translated into appropriate languages, including for any language spoken by a significant number or proportion of the Affected Community population that has limited English proficiency (LEP). Such social media postings and notices will include directions for obtaining an interpreter, free of charge, for public hearings. 28 CFR § 42.405(d). See Limited English Proficiency (LEP) Section. Vital

² We will not subject any persons to discrimination based on race, color, national origin, age, sex, or creed. The term "protected communities" is used within this Title VI Plan to highlight the requirements of Title VI, 49 U.S.C. § 47123, the Age Discrimination Act of 1975, and, in some instances, includes low-income populations under Executive Order 12898.

written documents which include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; notice of disciplinary action; signs; and notices advising LEP individuals of free language assistance services are available in translated languages on our website.

6. Community Statistics

Title VI regulations require Federal grant recipients to know their community demographics. See 49 CFR § 21.9(b). By knowing this information, the City of Bismarck will be able to identify, understand, and engage with communities. In doing so, the City of Bismarck needs to know about communities eligible to be served, actually or potentially affected, benefited, or burdened by the City of Bismarck's airport program.

Affected Communities ³	Population
<i>City of Bismarck</i>	76,625

(Hereafter, the above communities will be referred to collectively as "the Affected Communities").

We have identified the following facts about the Affected Communities:

Low-Income Communities⁴

A low-income area is an identifiable group of persons living in geographic proximity whose median household income is at or below the Department of Health and Human Services poverty guidelines. Pursuant to Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," the City of Bismarck is collecting information about affected and potentially affected low-income communities. According to the US Census Bureau Poverty in the United States: 2021, Table B-5, number, and percentage of people in Poverty by State using 3 Year Average, the overall poverty level for the state of North Dakota is approximately 9.1 %. The poverty rate remains similar compared with the rest of the state of North Dakota.

Affected Communities	Poverty Rate

³ "Affected communities" means any readily identifiable group potentially impacted by an airport project or operation, such as the community immediately surrounding a project or a community in the flight path.

⁴ Low-income data must be collected to assist in our compliance with Environmental Justice requirements (not Title VI requirements). For example, this data will be utilized in our Community Participation Plan (CPP) to help ensure the meaningful involvement of low-income communities in airport programs and activities.

<i>City of Bismarck</i>	9.1 %
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Racial and Ethnic Communities

Demographic data for race, color, and national origin was evaluated to identify racial and ethnic communities and populations in each Affected Community. The demographic composition by race, color, or national origin for the specific Affected Communities are as follows⁵:

Affected Community: City of Bismarck
Total Affected Community Population: 76,625

Demographic Group within Affected Community	Number of People in Minority Group	Percent of Total Affected Community Population
<i>White</i>	68,732	89.7%
<i>Black or African American</i>	2,068	2.7
<i>American Indian or Alaska Native</i>	3,754	4.9%
<i>Asian</i>	613	0.8%
<i>Native Hawaiian or other Pacific Islander</i>	229	0.3%
<i>Hispanic or Latino</i>	1,839	2.4%
<i>More than one</i>	2,988	3.9%
<i>White alone, not Hispanic or Latino</i>	65,667	85.7%

See Census Quick Facts, Bismarck City, North Dakota <https://www.census.gov/quickfacts/bismarckcitynorthdakota>. Note Burleigh County is not listed in the "Persistent Poverty" or "Tracts of Poverty" for North Dakota

Beneficiary Diversity

Demographic information is collected from airport customers, attendees at community meetings, and businesses seeking opportunities at the Airport through voluntary disclosures.

Description of Beneficiary Demographic Information Collection Methods

- *Using a QR code placed throughout the Airport, Bismarck Airport conducts ongoing surveys of airport guests for a voluntary request for demographic information.*
- *Participants at pre-bid meetings and other public meetings are asked to complete an anonymous survey that includes demographic information.*

⁵ Recommend using demographic groups from the U.S. Census.

- *Businesses that submit bids or offers are asked to complete an anonymous survey that includes demographic information using a QR code placed in the specification document and submitted through a data collection website.*

Potential or Known Community Impacts

Projects or services receiving federal financial assistance have the potential to touch so many aspects of American life. Thus, in general, no City of Bismarck activity must have a discriminatory disparate impact on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age. This means that policies or procedures that have a disparate impact would require a well-documented, substantial, legitimate, nondiscriminatory justification, summarized below. Impacts to protected communities must be avoided or minimized to the extent possible. No project with a discriminatory impact on protected communities will be undertaken.⁶

The following airport facilities are already in use or under construction and are expected to be in use within the next three years.

Existing Airport Facilities	Affected Community Impacted by Operation of the Facility
<i>Commercial Passenger Terminal Bldg. 17</i>	<i>None</i>
<i>Terminal Public Parking lots</i>	<i>None</i>
<i>Snow Removal Building 18</i>	<i>None</i>
<i>Runway 13-31</i>	<i>None</i>
<i>Runway 03-21</i>	<i>None</i>
<i>Taxiway B</i>	<i>None</i>
<i>Taxiway C</i>	<i>None</i>
<i>Taxiway D</i>	<i>None</i>
<i>Taxiway E</i>	<i>None</i>
<i>Passenger Terminal Apron</i>	<i>None</i>
<i>General Aviation Apron</i>	<i>None</i>
<i>ARFF Building 14</i>	<i>None</i>
<i>Operations Building 15</i>	<i>None</i>
<i>Hangar 5</i>	<i>None</i>
<i>Hangar 41</i>	<i>None</i>
<i>Airport Access/Service Road System</i>	<i>None</i>

⁶ In order to carry out an alternative with a discriminatory impact, the airport sponsor must demonstrate that there was a substantial legitimate justification for the decision. The sponsor must also show that alternatives with less discriminatory impacts were meaningfully considered and rejected for legitimate reasons.

The following airport facility projects (including all alternatives) are in construction or expected to be in construction within the next three years:

Airport Facility Construction Projects	Affected Community Impacted by Construction of the Facility
Wetland Removal Phase 5/6	<i>None</i>
Wetland Removal Phase 7/8	<i>None</i>
Wetland Removal Phase 9	<i>None</i>
SRE Building Project	<i>None</i>
GA Apron Phase 4	<i>None</i>
Hangar 5 Demolition and GA Apron Phase 5	<i>None</i>
Taxiway C North Rehabilitation	<i>None</i>
Runway 3-21 & Taxiway D Rehabilitation	<i>None</i>
Passenger Boarding Bridge #2 & #3 Replacement	<i>None</i>
Terminal Expansion Study	<i>None</i>

We have analyzed the above existing facilities and facility construction projects for disparate impacts on the basis of race, color, or national origin (including LEP) in Affected Communities. The following have disparate impacts:

Facilities or Construction Projects with Disparate Impacts	Affected Community Impacted	Impact Can Be Eliminated?
None		

Justifications: None

Facilities or Construction Projects	Justification
None	

Transportation

49 Part CFR 21 Appendix C (a)(1)(ix)

In the Community Statistics section of this plan, we identified Affected Communities and provided demographic and related data for the community populations. The minority and disadvantaged community areas located within the Affected Communities are identified below. Other minority and disadvantaged community areas that are near the Airport but not within Affected Communities are also identified below.

We have coordinated with Bis-Man Transit to encourage them to provide transit service access between the Airport and these areas.

The following chart identifies existing and planned transit services connecting the airport employment centers with the identified minority and disadvantaged community areas.

Minority and/or Disadvantaged Community Areas	Transit Service	Planned or Existing
Bismarck-Mandan Transit	Fixed-Route buses	Existing
Bismarck- Mandan Transit	Paratransit vans	Existing

10. Minority Businesses

49 CFR 21 Appendix C (a)(1)(x)

Bids for airport concessions and other business opportunities are solicited from area minority and woman-owned businesses through the following methods:

Airport Business Opportunity	Minority Business Outreach Methods
<i>Café, Gift Shop, Bar</i>	<i>Advertised (Public Notice) through local newspaper of record, published on City and Airport Websites, advertised nationally in the American Association of Airport Executives website, and direct outreach to known ACDBEs on the NDDOT website (Unified Certification Program for ND).</i>
<i>Snack and Beverage Concession</i>	<i>Advertised (Public Notice) through local newspaper of record, published on City and Airport Websites, advertised nationally in the American Association of Airport Executives website, and direct outreach to known ACDBEs on the NDDOT website (Unified Certification Program for ND). Currently filled with qualified ACDBE.</i>
<i>Pay Parking Lot Management Contract</i>	<i>Advertised (Public Notice) through the local newspaper of record, published on City and Airport Websites, advertised nationally in the American Association of Airport Executives website, and direct outreach to known ACDBEs on the NDDOT website (Unified Certification Program for ND).</i>
<i>Airport Advertising</i>	<i>Advertised (Public Notice) through the local newspaper of record, published on City and Airport Websites, advertised nationally in the American Association of Airport Executives website, and direct outreach to known ACDBEs on the NDDOT website (Unified Certification Program for ND).</i>

Selections comply with Title VI, Part 21, and related requirements. Information on the award process and documentation for specific bid decisions is kept with the Bismarck

Airport administration.

Initial FAA Notification. A copy of each Title VI complaint will be forwarded to the FAA within 15 days of initial receipt (not the date that the Coordinator was notified). The Coordinator will forward a copy of the complaint and a statement describing all actions taken to resolve the matter and the results thereof to the FAA Civil Rights staff. (Note: complaints based on disability do not have to be forwarded to FAA.) To transmit complaint information to the FAA, the Coordinator will work with the Assistant Airport Director, who will upload the information to the FAA using the FAA Civil Rights Connect System, which issues automated notifications to FAA staff. The Coordinator, assisted by the Assistant Airport Director or designee, will also seek technical assistance from the FAA, as needed, throughout the complaint intake, investigation, and resolution process.

Forwarding Report and Response to Complainant. At the completion of the investigation, the Complainant and respondent will receive a letter of findings and determination of the investigation and any applicable resolution. The letter transmitting the findings and any applicable resolution will state the City of Bismarck's conclusion regarding whether unlawful discrimination occurred and will describe the Complainant's appeal rights. A summary of the investigation report, any appeal, or follow-up actions will be sent to the FAA via the FAA Civil Rights Connect System.

15. Completed Unlawful Discrimination Poster

Unlawful Discrimination Poster (faa.gov)

FAA Notification. The Coordinator will notify FAA of any pending investigations and reviews, including:

- **Compliance reviews or audits concerning civil rights requirements**
- **Complaints, lawsuits, or other investigations alleging noncompliance with civil rights requirements**

Title VI complaints must be forwarded to FAA contacts within 15 days of receipt. For all other civil rights investigations, **the** City of Bismarck must notify FAA contacts of any new investigations prior to grant execution.

At regular intervals, the Coordinator will provide FAA contacts with status updates for the investigations and reviews until completed. For each existing investigation or review completed within five years of this plan, the Coordinator will also provide a statement about the outcome unless previously provided.

Airport Grant and Procurement Assurances 49 CFR § 21.7 (a)(1); 49 CFR Part 21 Appendix C (b). City of Bismarck will complete standard grant assurances for Title VI and related requirements, in the form prescribed by FAA. See https://www.faa.gov/airports/aip/grant_assurances/#current-assurances.

Clauses/Covenants: a. All contracts, leases, deeds, licenses, permits, and other similar instruments, must contain the contractual requirements and clauses, in the form prescribed by FAA. See https://www.faa.gov/airports/aip/procurement/federal_contract_provisions/. Note that unlike many other clauses, Civil Rights clauses are required in all contracts. Note also special clauses that are required for certain types of contracts, such as land acquisition. b. City of Bismarck requires, Civil Rights clauses to be included in solicitations and contracts for all subcontractors, subleases, and any other agreements. Prime contractors are required to submit subcontracts to the airport's consulting engineer to review for required provisions.

V. Interpretive Language Services Information

City of Bismarck utilizes Interpretive Language Services that provides remote interpreting services. This service allows access to on-demand audio, video, web conferencing, and telehealth interpretation services from experienced interpreters in seconds. Available 24 hours a day, 365 days a year.

City of Bismarck departments are given a specific access code when utilizing this service. To use this service by phone an employee must dial 800-514-9237 for Proprio and 1-866-874-3972 for Language Line and then provide their first name and a department access code.

An Interpretive Service Provider (Propio) has provided a table to help assist individuals who need an interpreter. This table allows an individual to indicate that they need an interpreter and shows which language they select. Below is the table they provided.

English: If you need an interpreter free of charge, please indicate your language.	ASL (American Sign Language)
Amharic: አማርኛ ለስተርጓሚ በነፃ የሚፈልጉ ከሆነ፣ አባዝዎን ቋንቋዎ ላይ ያመልክቱ	Arabic: أشركت في حاجة إلى مترجم مجاني، أشر إلى اللغة المطلوبة
Bosnian: Bosanski Ako vam je potreban besplatni prevodilac, pokažite nam svoj jezik	Burmese: မြန်မာ သင့်အနေဖြင့် အခမဲ့စကားပြန်တစ်ယောက်လိုအပ်ပါက ကျေးဇူးပြု၍ သင့်၏ဘာသာစကားကို စေ့ပြေးပါ။
Cantonese: 粤语 如果您需要译员，请指向您的语言	Chin: Baungshhe Holhleh piak tu na herh asi ah cun, zaangfahnak tein na holh kha rak kan chim ta.
Dari: اگر شما به مترجم رایگان ضرورت دارید، لطفاً به زبان شما اشاره کنید	Farsi: اگر شما به مترجم شفاهی نیاز دارید، لطفاً زبان خود را مشخص کنید
French: Français Si vous avez besoin de l'assistance gratuite d'un interprète, indiquez votre langue.	Haitian Creole: Kreyòl Si ou bezwen yon entèprèt san frè, tanpri endike lang ou.
Hindi: हिन्दी यदि आपको एक मुफ्त भाषा अनुवाक की आवश्यकता हो, तो कृपया अपनी भाषा की ओर इशारा करें	Hmong: Hmoob Yog koj xav tau tus kws pab txhaus lus pub dawb, thov qhia koj hom lus.
Italian: Italiano Se avete bisogno di un interprete gratuito, indicate la vostra lingua	Japanese: 日本語 無料の通訳が必要な場合は、言語を指し示してください。
Karen: ကာဒီ နမူနာပိုင်းအားဖြင့်၊ ကာဒီအား အခမဲ့အားဖြင့် အကူအညီပေးရန်၊ ငါသားစကားပြောသော ကာဒီအား နမူနာပိုင်းအားဖြင့် အကူအညီပေးရန်။	Karenli: ကရင်လိ မူပိုင်ခွင့်မရှိသော ကရင်လိအား အခမဲ့အားဖြင့် အကူအညီပေးရန်၊ ကရင်လိအား အခမဲ့အားဖြင့် အကူအညီပေးရန်။
Khmer: ខ្មែរ បើអ្នកត្រូវការអ្នកបកប្រែឥតគិតថ្លៃ ក្រសួងសុខាភិបាលស្នើសុំឱ្យ អ្នកបកប្រែឥតគិតថ្លៃ ឱ្យដឹងពីភាសាដែលអ្នកត្រូវការ	Kinyarwanda: Kinyarwanda Nira ukeneye umusemuzi nta kiguzi, nyamuneka werekane ururimi rwawe.
Korean: 한국어 무료로 통역자가 필요 한시면 사용하는시는 언어를 지적 해주셔야	Nepali: नेपाली यदि तपाईंलाई ननःशुल्क गैभाषे चाहदहएमा, कृपया आफ्नो भाषामा खिाउनुहोस्
Pashto: که شما د ژباړې په اړه اړتیا لرئ، کله چې د ژباړې په اړه اشاره وکړئ	Polish: Polski Jeśli potrzebujesz bezpłatnej usługi tłumacza, wskaź swój język.
Portuguese: Português Se precisa de um intérprete gratuito, aponte para seu idioma	Punjabi: ਪੰਜਾਬੀ ਜੇ ਤੁਹਾਨੂੰ ਇੱਕ ਮੁਫਤ ਦੁਆਸ਼ੀਏ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਕਰਪਜ਼ਾ ਕਰਕੇ ਆਪਣੀ ਭਾਸ਼ਾ ਦੱਲ ਸੰਕੇਤ ਕਰੋ
Romanian: Română Dacă aveți nevoie de asistență gratuită din partea unui interpret, vă rugăm indicați limba dvs.	Russian: Русский Если вам нужен бесплатный переводчик, выберите ваш язык.
Mandarin: 简体中文 如果您需要译员，请指向您的语言	Somali: Soomaali Haddaad u baahan tahay turjumaan bilaash ah, fadlan tilmaamo luqadaada.
Spanish: Español Si necesita un intérprete gratuito, por favor seleccione su idioma respectivo.	Swahili: Kiswahili Ikiwa unahitaji mkalimani bila malipo, tafadhali onyesha lugha yako.
Tagalog: Taglog Kung kailangan niyo ng libreng interpreter o tagasalin, ituro ang inyong wika	Tamil: தமிழ் இலவச மொழிபெயர்ப்புத் தேவையானால், தேங்கனித் மொழியைக் குறிப்பிட்டுக் காட்டவும்.
Thai: ภาษาไทย หากคุณต้องการล่ามฟรี กรุณาชี้ไปที่ภาษาของคุณ	Tigrigna: ትግርኛ የሆነ ለስተርጓሚ ትጽፎል አንተንክም አብ ቋንቋክም ምልክት ግብራ
Urdu: اگر آپ کو ایک مفت مترجم درکار ہے، براہ کرم اپنی زبان بتائیں۔	Vietnamese: tiếng việt Nếu quý vị cần thông dịch viên miễn phí, vui lòng trỏ

There are over 300 remote interpreting languages available through Propio. To view the full list please go

The City of Bismarck is committed to providing nondiscriminatory service. No person shall, on the basis of a person's national origin, race, color, disability, sex, age, and/or income status, be excluded from participation or be subjected to discrimination or harassment by the City of Bismarck or any of its locations.

Contact Leanne Schmidt, Director of Human Resources and Title VI Coordinator for the City of Bismarck, at 701-355-1332 or lschmidt@bismarcknd.gov to request additional information on our nondiscrimination obligations or to file a complaint.

W. Title VI/ADA Complaint Form

EXTERNAL COMPLAINTS OF DISCRIMINATION

City of Bismarck

SFN 51795 (1-2022)

COMPLAINANT INFORMATION (Complete all items below.)

Name		Telephone Number	
Address	City	State	ZIP Code
Email Address			

CAUSE OF DISCRIMINATION (Check all that apply.)

Title VI of the Civil Rights Act of 1964 ☐ Race ☐ National Origin ☐ Color	Other Nondiscrimination Statutes/Executive Orders ☐ Sex ☐ Disability ☐ Age ☐ Limited English Proficiency
---	---

Name of public entity complaint is against.

Provide an explanation of what happened and date(s) of the alleged discriminatory act and location.

WE CANNOT ACCEPT YOUR COMPLAINT WITHOUT A SIGNATURE AND DATE.

Complainant's Signature	Date
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Any person or specific class of persons, who believes they were subjected to discrimination on the basis of race, color, national origin; or sex, age, disability, or limited English proficiency in the programs and activities of NDDOT or its sub-recipients (e.g., a city, county, Metropolitan Planning Organization, Transit Agency, etc.) may by himself/herself or through his/her legally authorized representative, make, sign and date a written complaint and file such complaint with the Department within 180 calendar days following the date of the last instance of the alleged discriminatory action. Complainants must complete in its entirety, sign, and date City of Bismarck External Complaints of Discrimination form (SFN 51795) and file by mail, in person, or e-mail. However, the complainant may call City of Bismarck and provide the allegations by telephone. City of Bismarck will transcribe the complainant's allegations into the complaint form and send the written complaint to the complainant for corrections, signature, and date.

To request accommodations, complainants may contact the City of Bismarck, at 701-355-1330. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

The City of Bismarck will review the complaint, gather additional information from the complainant if necessary, and refer the complaint to the appropriate federal agency, which in most cases will be the Federal Highway Administration. It is also within your rights to file directly with the appropriate Federal agency that oversees the transportation activities, services or facilities.

FHWA JURISDICTION (Roads and Bridges)

Title VI Complaints will be forwarded to the Division Office.

For Title VI complaints against sub recipients, City of Bismarck is required to follow the timeframes in 23 CFR 200.9(b)(3) as follows: A copy of the complaint, together with a copy of the City of Bismarck report of investigation shall be forwarded to the FHWA Division Office within 60 days of receipt of the delegated complaint from FHWA.

ADA Complaints will be forwarded to the FHWA Division Office.

For a Section 504/ADA complaint against subrecipients, City of Bismarck shall forward a copy of the complaint, together with a copy of the report of investigation within 90 days of receipt of the delegated complaint to the FHWA Division Office.

The FHWA HCR has delegated authority for dismissing and issuing letters of findings (LOFs) for Title VI, and Section 504/ADA complaints processed by FHWA. LOFs issued by the FHWA HCR are administratively final.

FTA JURISDICTION (Public Transit)

Complaints filed under Title VI, related statutes, and Section 504/ADA in which City of Bismarck is named as the respondent will be handled informally if possible. If the complaint cannot be resolved by informal means, the City of Bismarck may investigate the complaint as follows:

1. The complaint will be reviewed within 10 business days to determine whether it contains all necessary information required for acceptance.
2. If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance along with the Complainant Consent/Release form (SFN 60741) and the notice about Investigatory Uses of Personal Information fact sheet.

Title VI, related statutes, and Section 504/ADA complaints filed directly with City of Bismarck against City of Bismarck, its sub recipients, or contractors will be processed by NDDOT in accordance with the FTA approved complaint procedures under FTA C 4710.1, FTA C 4702.1B, 49 CFR 27.13(b).

For Title VI or related statutes Complaints, City of Bismarck is required to follow the FTA C 4702.1B to comply with reporting requirements of 49 CFR 21.9(b). The investigation information is recorded on the Transit Title VI - List of Investigations, Lawsuits, and Complaints (SFN 60805) and included in the Title VI/Nondiscrimination and ADA Program submitted to FTA every three years. Although, FTA regulations do not specify a time frame for the investigation of Title VI complaints, the NDDOT attempts to complete investigations within 90 days of receipt of the complaint.

For a Section 504/ADA complaint, City of Bismarck shall forward a copy of the complaint, together with a copy of the report of investigation within 90 days of receipt of the complaint to the FTA Office of Civil Rights.

The FTA has delegated authority for issuing LOFs for Title VI, related statutes, and Section 504/ADA complaints processed by City of Bismarck. Closure letters or LOFs issued by City of Bismarck under FTA jurisdiction on Title VI, related statutes, and Section 504/ADA complaints are administratively final. Individuals or a specific class of individuals, personally or through a representative, may submit a complaint to FTA within 180 days from the date of the alleged discrimination.

If City of Bismarck receives a complaint against its sub recipients, the sub recipient will be contacted to handle the complaint informally at the local level if possible. If the complaint cannot be resolved informally at the local level, City of Bismarck will use the same process above to resolve the complaint.

FAA JURISDICTION (Airport)

A copy of each Title VI complaint will be forwarded to the FAA within 15 days of initial receipt (not the date that the coordinator was notified). The airport staff supporting the coordinator will forward a copy of the complaint and a statement describing all actions taken to resolve the matter and the results thereof to the FAA Civil Rights staff. (Note: complaints based on disability do not have to be forwarded to FAA.) To transmit complaint information to the FAA, the Coordinator will upload information to the FAA Civil Rights Connect System, which issues automated notifications to FAA staff. The coordinator will also seek technical assistance from the FAA, as needed, throughout the complaint intake, investigation, and resolution process.

The coordinator will promptly investigate all Title VI complaints, including those referred by the FAA for investigation. If the FAA is investigating a complaint against the City of Bismarck, the Coordinator will avoid interfering with the FAA investigation, cooperate with the FAA when needed, and share factual information with the FAA.

A summary of the investigation report, any appeal, or follow-up actions will be sent to the FAA via the FAA Civil Rights Connect System.

Agencies Authorized to Receive and Process Complaints

North Dakota Department of Transportation

Civil Rights Division
608 E Boulevard Ave.
Bismarck, ND 58507-0700
Phone: (701) 328-2576
TTY: 711 or (800) 366-6888
E-mail: civilrights@nd.gov

FHWA

North Dakota Division Office
4503 Coleman St. N., Suite 205
Bismarck, ND 58503
Phone: (701) 250-4204
Fax: (701) 250-4395
E-mail: NorthDakota.fhwa@dot.gov

Federal Transit Administration (FTA)

Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor - TCR
1200 New Jersey Ave., S.E.
Washington, DC 20590
Phone: (888) 446-4511

USDOJ - ADA Complaints

U.S. Department of Justice (USDOJ)
950 Pennsylvania Avenue, N.W.
Civil Rights Division
Disability Rights Section - 1425 NYAV
Washington, DC 20530
Fax: (202) 307-1197
ADA Information Line:
(800) 514-0301 (voice) or (800)514-0383 (TTY)
Main Section Telephone Number:
(202) 307-0663 (voice and TTY)

United States Department of Transportation (USDOT)

Departmental Office of Civil Rights
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Ave., S.E.
Washington, DC 20590
Phone: (202) 366-4648
Fax: (202) 366-5575
TTY/Assistive Device: (202) 366-9696

USDOJ - Race, Color, National Origin Complaints

Federal Coordination and Compliance Section - NWB
Civil Rights Division
U.S. Department of Justice (USDOJ)
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Phone: (888) 848-5306 (English and Spanish)
(202) 307-2222 (voice)
(202) 307-2678 (TDD)

United States Department of Transportation (FHWA)

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Ave., S.E.
8th Floor E81-105
Washington, DC 20590
Phone: (202) 366-0693
Fax: (202) 366-1599
TTY: (202) 366-5132
E-mail: CivilRights.FHWA@dot.gov

Federal Aviation Administration (FAA)

Federal Aviation Administration
Office of Civil Rights
(ACR-4)
800 Independence Avenue SW
Washington, DC 20591
Phone: (718) 553-3297
Complaint link:
https://www.faa.gov/about/office_org/headquarters_offices/acr/external-discrimination-complaints/form

X. Title VI Complaint Log

EXTERNAL COMPLAINTS OF DISCRIMINATION LOG

Reporting Year

X

PART I - COMPLAINANT INFORMATION (Print all items legibly.)

Name		Telephone Number
Mailing Address		Email Address
City	State	ZIP Code

PART II - STATUS OF COMPLAINANT

Check appropriate box(es)		
Title VI of the Civil Rights Act of 1964 ☐ Race ☐ National Origin ☐ Color		Other Nondiscrimination Statutes/Executive Orders ☐ Sex ☐ Disability ☐ Limited English Proficiency ☐ Age ☐ Income Status
Nature of Complaint		
Recipient (Processor of Complaint)		
Date Filed	Date Investigation Completed	Date of Disposition
Disposition		

Y. Title VI Recipient Checklist

Recipient (COB) Title VI Checklist (For Self-Monitoring and Subrecipient Monitoring)			
	Agency:		COB
	Reporting Period:		
GENERAL REQUIREMENTS AND GUIDELINES	YES	NO	N/A
Does the program include appropriate documentation demonstrating that the transit board of directors/commission has approved the Title VI Program?			
Public Notice			
Does the Program include a copy of the public notice informing the public of the protections against discrimination afforded to them under Title VI? (Statement: 'The agency operates program without regard to race, color, or national origin')			
Did you verify the notice is posted on the agency's website and in public areas of the agency's offices, on buses, at bus shelters? (Circle those that apply)?			
Does the public notice include how to request additional information on the agency's Title VI obligations?			
Does the public notice include how to file a complaint?			
Complaint Procedures			
Does agency have procedures (internal to the agency) for investigating and tracking Title VI complaints filed against them?			
Do complaint procedures include the instructions it gives to members of the public about how to file a Title VI discrimination complaint?			
Are the procedures for filing a Title VI discrimination complaint available on the agency website?			
Are the procedures available at public entrances?			
Complaint Form			
Does the complaint form specify the three classes protected by Title VI (race, color, and national origin)?			
Is the complaint form available on the agency's website?			
Are the complaint forms available at public entrances?			
Has there been any allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and/or complaints naming the grantee?			
Public Participation Plan			
Does the program include a Public Participation Plan that describes the proactive strategies, procedures, and desired outcomes of public participation activities?			
Does the Public Participation Plan include information on how the grantee considers the needs of, and engages minority and LEP populations in public participation activities?			
Did the agency summarize the public outreach and involvement activities undertaken in the last 3 years?			
Board Selections			
Did the agency select members to transit-related, non-elected planning boards, advisory councils or committees?			
If agency selected members, did they provide a table with a racial breakdown of the membership of those boards, councils, or committees?			
Did the agency describe how they encourage minorities to participate on these boards, councils, and committees?			

Subrecipient			
Does the agency have <u>subrecipients</u> or contractors (choose which one(s))?			
If yes, did the agency follow it's stated monitoring procedures to ensure subrecipients/contractors comply with Title VI?			
Did the agency describe the process used to provide assistance to subrecipients, when needed?			
LEP Four-Factor Analysis & Plan			
Did the agency include a Language Assistance Plan?			
Does the Language Assistance Plan include a Four-Factor Analysis that determines the appropriate level of LEP assistance and outreach efforts needed?			
Facility Site Equity Analysis			
Did the agency identify a site or location for a new facility (excluding bus shelters) or construct a facility during the period covered by your program?			
Did the agency complete and submit an equity analysis conducted during the planning stage for all projects requiring land acquisition and the displacement of persons from their residences and businesses?			
Did the site analysis include outreach to persons potentially impacted by the siting of facilities?			
Did the site analysis compare the equity impacts of alternative locations prior to selecting the preferred site?			
Did the agency give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result?			
Did the agency determine that the location of the project will result in a disparate impact on the basis of race, color, or national origin?			
Did the agency provide a substantial legitimate justification for the project location? To do so, the agency must demonstrate that either 1) no alternative locations are available, or 2) any alternative locations, if identified, would result in the same or more disparate impact on the basis of race, color, or national origin.			
FIXED ROUTE TRANSIT PROVIDER REQUIREMENTS			
Service Standards			
Does the agency have service standards and policies for each specific fixed route mode of service you provide?			
Have there been any fare changes since the last review? (Describe in Title VI Checklist Form)			
Service Policies			
Does the agency have current service policies?			
Is there a description of how service policies are adopted to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin?			

Reviewer:
Signature/Initials:
Date of Review:

(Questions Posed to COB Title VI Program and LAP)

Evaluation Year:
Date of Evaluation:
Reviewer:

TVI1. Did the recipient prepare and submit a Title VI Program?

BASIC REQUIREMENT: A recipient is required to prepare and submit a Title VI Program based on the recipient's transit-related characteristics.

COMPLIANCE CHECK:

1. Did the recipient develop and submit a Title VI Program in TrAMS?
2. If the recipient submitted a Title VI program and FTA has issued correspondence indicating required revisions, has the recipient made those revisions?

TVI2. Does the recipient provide meaningful access to LEP persons?

BASIC REQUIREMENT: A recipient must implement a language assistance plan (LAP) to address the needs of the population it serves.

COMPLIANCE CHECK:

1. Does the LAP include the following?
 - a. Include the results of the Four Factor Analysis, with a description of the LEP population(s) served.
 - b. Describe how it provides language assistance services by language.
 - c. Describe how LEP persons are notified about the availability of language assistance.
 - d. Describe how it monitors, evaluates, and updates the LAP.
 - e. Describe how it trains employees to provide timely and reasonable language assistance.
2. Has the recipient implemented its LAP? Demonstrate implementation via a review of the Four Factor Analysis (as outlined in its Title VI Program in Trams) and completion of the following table.

LAP Element	Description in Title VI Plan for Each Element
Languages identified in four factor analysis	
Vital documents to be Translated	
Language assistance training for staff	
Periodic updating and monitoring of LAP	

TVI3. Does the recipient notify the public of its rights under Title VI?

BASIC REQUIREMENT: A recipient must provide information regarding its Title VI obligations to the public and apprise members of the public of the protections against discrimination afforded to them by Title VI.

COMPLIANCE CHECK:

1. Does the recipient disseminate the required Title VI Notice to the public as described in its Title VI Program?
2. Is the Title VI Notice translated into languages identified in the recipient's LAP?

3. Does the Title VI Notice include all three of the required elements:
 - a. A statement that the agency operates programs without regard to race, color, or national origin.
 - b. A description of the procedures that members of the public should follow in order to request additional information on the recipient's Title VI obligations.
 - c. A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.

TVI4. Does the recipient implement complaint procedures as described in its Title VI Program?

BASIC REQUIREMENT: A recipient must make its procedures for filing a complaint available to the public, and investigate, and track Title VI complaints filed against it.

COMPLIANCE CHECK:

1. Does the recipient use the complaint form(s) and instructions for filing complaints identified in its Title VI Program?
2. Are the complaint form and instructions available on the recipient's website and at other locations described in its Title VI Program?
3. Are the complaint form and instructions translated into languages identified in the recipient's LAP?
4. Is the recipient processing complaints as described in its Title VI Program and its complaint instruction forms?

TVI5. Has the recipient implemented the public participation plan from its Title VI Program in its public participation activities?

BASIC REQUIREMENT: A recipient's public participation plan shall offer early and continuous opportunities for the public, including minority and LEP populations, to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

COMPLIANCE CHECK:

1. Have Title VI considerations been identified in the plan and integrated into the recipient's public participation or outreach activities?

TVI6. Does the recipient monitor its subrecipients for compliance with Title VI requirements?

BASIC REQUIREMENT: A recipient is responsible for ensuring that its subrecipients comply with Title VI requirements.

COMPLIANCE CHECK:

1. Has the recipient collected and reviewed subrecipient Title VI Program?
2. How does the recipient monitor subrecipients to ensure that they are complying with Title VI requirements?
3. Results of Subrecipient monitoring activities.
4. Approval by the Bismarck City Commission of subrecipient monitoring results.
5. Last date of Bismarck City Commission Approval of the Bis-Man Transit Title VI Program

ADDITIONAL COMPLIANCE QUESTIONS/ACTIONS FOR RECIPIENT:

1. Has the recipient conducted the required equity analysis for any new transit facilities sited since the last Comprehensive (Triennial) Review
2. Has the recipient evaluated fare and major service changes and monitored transit service?
3. Does the recipient include the needs of minorities in planning activities; document that it passes Federal Transit Administration (FTA) funds through to subrecipients without regard to race, color, or national origin; and assure that minority populations are not being denied the benefits of or excluded from participation in FTA-funded programs?
4. RECIPIENT SELF-MONITORING:
 - a. Last date of City of Bismarck Commission Approval for Recipient Title VI Program:
 - b. Results of recipient self-monitoring activities that have occurred since the last Recipient Title VI Review:
 - c. Communication with the City Administrator regarding Recipient Title VI Review and Title VI Program:
 - d. Last Approval from the Bismarck City Commission regarding Title VI self-monitoring results.
5. APPLICATIONS:
 - a. Efforts within the review period to receive applications from agencies serving predominantly minority and low-income populations.
 - b. Record of accepted and rejected applications identifying applicants that are minority organizations or that provide assistance to minority or low-income communities for the current review period.
6. MPO RELATED:
 - a. Documentation of how the metropolitan planning organization (MPO) identified the needs of minority communities in the transportation planning process.
 - b. Documentation of how MPO has included minority communities in the planning process that has occurred since the last Title VI Program submission.

Z. Title VI Subrecipient Monitoring Checklist Form

(Questions Posed to Any Subrecipient Regarding Title VI Program)

Evaluation Year:
Date of Evaluation:
Reviewer:

TVI1. Did the subrecipient prepare and submit a Title VI Program?

BASIC REQUIREMENT: A subrecipient is required to prepare and submit a Title VI Program based on the recipient's transit-related characteristics. The Title VI Plan should be provided to the recipient and DBE Liaison Officer upon approval of the Bis-Man Transit Board.

COMPLIANCE CHECK:

1. Did the subrecipient develop and submit a Title VI Program to the Recipient and DBE Liaison Officer?

TVI2. Does the subrecipient provide meaningful access to LEP persons?

BASIC REQUIREMENT: A subrecipient must implement a language assistance plan (LAP) to address the needs of the population it serves.

COMPLIANCE CHECK:

1. Does the LAP include the following?
 - a. Include the results of the Four Factor Analysis, with a description of the LEP population(s) served.
 - b. Describe how it provides language assistance services by language.
 - a. Describe how LEP persons are notified about the availability of language assistance.
 - c. Describe how it monitors, evaluates, and updates the LAP.
 - d. Describe how it trains employees to provide timely and reasonable language assistance.
2. Has the subrecipient implemented its LAP? Demonstrate implementation via a review of the Four Factor Analysis (as outlined in its Title VI Program in Trams) and completion of the following table.

LAP Element	Description in Title VI Plan for Each Element
Languages identified in four factor analysis	
Vital documents to be Translated	
Language assistance training for staff	
Periodic updating and monitoring of LAP	

TVI3. Does the subrecipient notify the public of its rights under Title VI?

BASIC REQUIREMENT: A subrecipient must provide information regarding its Title VI obligations to the public and apprise members of the public of the protections against discrimination afforded to them by Title VI.

COMPLIANCE CHECK:

4. Does the subrecipient disseminate the required Title VI Notice to the public as described in its Title VI Program?
5. Is the Title VI Notice translated into languages identified in the recipient's/subrecipient's LAP?

6. Does the subrecipient's Title VI Notice include all three of the required elements:
 - a. A statement that the agency operates programs without regard to race, color, or national origin.
 - b. A description of the procedures that members of the public should follow in order to request additional information on the subrecipient's Title VI obligations.
 - c. A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.

TVI4. Does the subrecipient implement complaint procedures as described in its Title VI Program?

BASIC REQUIREMENT: A subrecipient must make its procedures for filing a complaint available to the public, and investigate, and track Title VI complaints filed against it.

COMPLIANCE CHECK:

5. Does the subrecipient use the complaint form(s) and instructions for filing complaints identified in its Title VI Program?
6. Are the complaint form and instructions available on the subrecipient's website and at other locations described in its Title VI Program?
7. Are the complaint form and instructions translated into languages identified in the recipient's/subrecipient's LAP?
8. Is the subrecipient processing complaints as described in its Title VI Program and its complaint instruction forms?

TVI5. Has the subrecipient implemented the public participation plan from its Title VI Program in its public participation activities?

BASIC REQUIREMENT: A subrecipient's public participation plan shall offer early and continuous opportunities for the public, including minority and LEP populations, to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

COMPLIANCE CHECK:

1. Have Title VI considerations been identified in the plan and integrated into the subrecipient's public participation or outreach activities?

TVI6. Does the subrecipient monitor its vendors/contractors for compliance with Title VI requirements?

BASIC REQUIREMENT: A subrecipient is responsible for ensuring that its vendors/contractors comply with Title VI requirements.

COMPLIANCE CHECK:

1. Has the subrecipient collected and reviewed vendor/contractor Title VI Programs?
2. How does the subrecipient monitor the vendors/contractors to ensure that they are complying with Title VI requirements?



Legal Department

DATE: June 23, 2026

FROM: Julie Mees, City Attorney

ITEM: Ordinance 6672

REQUEST:

Introduction of and call for a public hearing on Ordinance 6672 to amend Chapter 7-02 Salary and Payroll and Chapter 7-03 of the City of Bismarck Code of Ordinances relating to Sales, Use, and Gross Receipts Tax.

BACKGROUND INFORMATION:

On June 9, 2026, Bismarck voters amended the Home Rule Charter Article 3, Section 17 Sales, Use, and Gross Receipts Tax regarding a half cent sales tax for purposes of street construction and reconstruction. The amendment added projects to the Project List and extended the expiration date of the half-cent tax to December 31, 2038. The proposed changes to Chapter 7-03 mirror the changes in the approved Home Rule Charter amendment and enact the necessary ordinance provisions to collect the tax.

The changes to Chapter 7-02 update two ordinances relating to the salaries of the president and members of the Board of City Commissioners and of City employees.

RECOMMENDED CITY COMMISSION ACTION:

Call for a public hearing on Ordinance 6672 to amend Chapter 7-02 Salary and Payroll and Chapter 7-03 of the City of Bismarck Code of Ordinances relating to Sales, Use, and Gross Receipts Tax.

STAFF CONTACT INFORMATION:

Julie Mees, City Attorney, 701-355-1340, jmees@bismarcknd.gov

ATTACHMENTS:

1. CHAPTER 7-02 and 7-03 changes

7-02-02. Salaries of Members of the Board of City Commissioners. The Board of City Commissioners shall set the salary of the president of the Board of City Commissioners ~~board of city commissioners is \$700.00 per month and the salaries of the other members of the board are \$400.00 per month, effective January 1, 1989.~~
(Ord. 4215, 7-19-88)

7-02-04. Departmental Payrolls. The payroll of each department of this city, when certified to by the ~~personnel~~ Human Resources director, and the salary of officers fixed by the Board of City Commissioners, ~~may~~ shall be paid ~~biweekly monthly or bimonthly~~ as the Board of City Commissioners may declare by resolution; and the president and auditor are hereby authorized to draw warrants for the same when they become due and payable.

CHAPTER 7-03. SALES, USE AND GROSS RECEIPTS TAX

7-03-02. Sales, Use and Gross Receipts Tax. Except as otherwise expressly provided in this chapter, there is imposed:

...

2. A retail sales, use and gross receipts tax of one-half percent upon the gross receipts taxed pursuant to N.D.C.C. Chapters 57-39.2, 57-39.4, and 57-40.2, 57-39.5 and 57-39.6, on transactions occurring within the City limits and on remote sales.

a. The proceeds of this one-half cent city sales, use and gross receipts tax shall be dedicated only to ~~arterial~~ street construction and reconstruction of the following (known as "Project List"):

- i. 43rd Ave/Ash Coulee Dr from Tyler Parkway to 66th St
- ii. Centennial Road from I-94 to 43rd Ave
- iii. Main Ave from 26th St to 66th St
- iv. State Street from Calgary Ave to ND 1804/71st Ave
- v. Washington St from ~~Burleigh Ave~~ Meridian Dr to South Bismarck Drainage Ditch
- vi. Century Ave from Centennial Rd to 66th St
- vii. Tyler Parkway from Valley Dr to ND 1804 ~~57th Ave~~
- viii. 57th Ave from River Rd ~~Washington St~~ to ~~State St~~ Centennial Rd
- ix. 66th St from Century Ave to 43rd Ave

- x. ND 1804 from Yukon Dr to 19th St
- xi. Burleigh Ave from Calypso Dr to University Dr
- xii. 12th St from Burleigh Ave to Santa Fe Ave
- xiii. Divide Ave from Bismarck Expy to 52nd St
- xiv. 52nd St from Century Ave to Miriam Ave
- xv. 26th St from 43rd Ave to Selland Lp
- xvi. Santa Fe Ave from Boston Dr to 3rd St
- xvii. Calgary Ave from State St to Centennial Rd
- xviii. 19th St from Skyline Blvd to 64th Ave
- xix. LaSalle Dr from State St to 19th St
- xx. 64th Ave from State St to 19th St
- xxi. Yukon Dr from 57th Ave to 64th Ave
- xxii. The rural ditch section segments of Arabian Ave, Buckskin Ave, Colt Ave, Ottawa St, Brookside Ln, Lee Ave and Airway Ave

b. Sunset: The tax imposed by Ordinance 7-03-02(2) shall expire 40 ~~years after the date of first collection on December 31, 2038,~~ or upon completion of Project List, whichever occurs first.



Planning Department

DATE: June 23, 2026

FROM: Daniel Nairn, Planning Department Director

ITEM: Contract Agreement for the 2026 HPF Grant Award

REQUEST:

Permission to accept an Historic Preservation Fund grant award of \$37,800.

BACKGROUND INFORMATION:

The City of Bismarck has been awarded a 2026 Historic Preservation Fund grant to be used to cover the costs to conduct a Downtown Historic Context Study, Historic District Plaques, and a Historic Building Maintenance Brochure.

The total grant awarded was \$66,345, with \$28,545 being provided through in-kind match from city staff's and Historic Preservation Commissioners' donated time and \$37,800 provided by the grant fund. No funding from the City of Bismarck will be necessary.

RECOMMENDED CITY COMMISSION ACTION:

Approve the Contract Agreement for the 2026 Historic Preservation Fund grant award of \$37,800.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. 2026 HPF Grant

Bismarck CLG
2026
Funded Budget

Administration			
	Federal	Match	Total
Coordinator's Salary		\$9,121	\$9,121
Coordinator's Benefits		\$3,205	\$3,205
HPC Donated Labor		\$2,756	\$2,756
			\$0
Administrative Total	\$0	\$15,082	\$15,082

Historic Context Study - Downtown			
	Federal	Match	Total
Consultant	\$27,500		\$27,500
HPC Review of Context		\$6,279	\$6,279
Coordinator		\$1,410	\$1,410
			\$0
TOTAL	\$27,500	\$7,689	\$35,189

Historic District Plaques			
	Federal	Match	Total
Historic Building Plaques	\$8,800		\$8,800
HPC Review		\$720	\$720
Coordinator		\$1,974	\$1,974
			\$0
TOTAL	\$8,800	\$2,694	\$11,494

Historic Building Maintenance Brochures			
	Federal	Match	Total
Brochure	\$1,500		\$1,500
HPC Donated Labor		\$1,200	\$1,200
Staff		\$1,880	\$1,880
			\$0
Total	\$1,500	\$3,080	\$4,580

NRHP Coloring Book			
	Federal	Match	Total
Coloring Books			\$0
Artist Stipend			\$0
HPC Donated Labor			\$0
Staff			\$0
			\$0
Total	\$0	\$0	\$0

	Federal	Match	Total
Grant Totals	\$37,800	\$28,545	\$66,345

40% Minimum Required Match	\$37,800	\$25,200	\$63,000
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Planning Department

DATE: June 23, 2026

FROM: Daniel Nairn, Planning Department Director

ITEM:

FY2026 Section 5307 Grant Application

REQUEST:

Permission to apply for a FY2026 Section 5307 grant.

BACKGROUND INFORMATION:

The Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, requests the Bismarck Board of City Commissioners consider approval to apply for a FY26 Section 5307 grant. The Federal Transit Administration (FTA), through its Section 5307 Urbanized Area Formula Grants program, offers funding to transit agencies to assist in funding their operating expenses and capital procurement needs. The grant will provide funding assistance for:

- Daily operations expenses of Bis-Man Transit and its staff incurred in the operation of public transportation services in Bismarck;
- Capital cost of contracting which encompasses the third party contract tasks associated with the physical operation of transit buses and bus routes;
- Preventive maintenance that enables Bis-Man Transit to maintain its rider facilities and equipment, as well as the fixed-route buses and motorbuses, in a state of good repair;
- Security enhancements to continue ongoing software contracts, the upgrade and replacement of security cameras and/or hardware and to cover other general security needs as they arise.

The total grant request is for \$3,268,626. The Federal award is \$2,237,666 and the local match is \$1,030,960, which will be provided by Bis-Man Transit. Award and budget authority are requested from the Bismarck City Commission for this grant application.

RECOMMENDED CITY COMMISSION ACTION:

Staff requests approval to apply for the FY26 Section 5307 grant on behalf of Bis-Man Transit.

STAFF CONTACT INFORMATION:

Paulette Jacobsen, Transportation Planner, 701-355-1473, pjacobsen@bismarcknd.gov

ATTACHMENTS:

1. 5307 FY26 Application

Application

Federal Award Identification Number (FAIN)	N/A
Application Number	1155-2026-1
Temporary Application Number	1155-2026-1
Award Name	FY26 5307 - Operating, CCOC, PM - Vehicles / Facilities & Security
Application Status	In-Progress
Budget Revisions	0

Period of Performance Start Date	N/A		
Original Period of Performance End Date	1/28/2028		
Current Period of Performance End Date	1/28/2028	Revision #: 0	Approved?: No

Part 1: Recipient Information

Name: CITY OF BISMARCK

Recipient ID	Recipient OST Type	Recipient Alias	UEI	DUNS
1155	City	Bismarck, City of	HHE6BW32JLP3	080245640

Location Type	Address	City	State	Zip
Physical Address	221 N 5TH ST	BISMARCK	ND	58501
Mailing Address	PO BOX 5503	BISMARCK	ND	58506

Union Information

There are no union contacts for this application

Part 2: Application Information

Title: FY26 5307 - Operating, CCOC, PM - Vehicles / Facilities & Security
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Application Number	Application Status	Award Type	Application Cost Center	Date Created	Last Updated Date	From TEAM?
1155-2026-1	In-Progress	Grant	Region 8	5/13/2026	5/13/2026	No

Application Executive Summary

The City of Bismarck applies FY26 5307 funds in the full allocation of \$2,237,666 for operating expenses, capital cost of contracting (CCOC), preventive maintenance (vehicles & facilities), and security.

The local match for all projects in this grant will be provided by mill levy of various jurisdictions.

Pre-Award Authority is requested starting January 1, 2026. Actual pre-award expenditures and obligations will be reported in the initial Federal Financial Report.

Supporting Documents Attached:

FY26 North Dakota Governor's Apportionment Letter
2026-2029 NDDOT STIP and STIP Approval Letter

Frequency of Milestone Progress Reports (MPR)

No Selection Made

Frequency of Federal Financial Reports (FFR)

No Selection Made

Does this application include funds for research and/or development activities?

This award does not include research and development activities.

Pre-Award Authority

This award is using Pre-Award Authority.

Does this application include suballocation funds?

Recipient organization is directly allocated these funds and is eligible to apply for and receive these funds directly.

Will this Grant be using Lapsing Funds?

No Selection Made

Will indirect costs be applied to this application?

This award does not include an indirect cost rate.

Indirect Rate Details: N/A

Requires E.O. 12372 Review

No, this application does not require E.O. 12372 Review.

Delinquent Federal Debt

No, my organization does not have delinquent federal debt.

Award Description

Purpose

The purpose of this grant award is to fund operating assistance, capital cost of contracting, preventive maintenance for vehicles and facilities, and security.

Activities to be performed:

Fund Operating Assistance - Fixed Route and Paratransit, Capital Cost of Contracting, Preventive Maintenance - vehicles & facilities, and security enhancements for buses and bus facilities.

Expected outcomes:

Continue to provide fixed route and para-transit services.

Intended beneficiaries:

Residents and visitors in the Bismarck UZA.

Subrecipient Activities:

N/A

Application Point of Contact Information

First Name	Last Name	Title	E-mail Address	Phone
Paulette	Jacobsen	Transportation Planner	pjacobsen@bismarcknd.gov	(701) 355-1473

Application Budget Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$2,237,666
Local			\$1,030,960
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$3,268,626

Application Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
1155-2026-1-P1	113-00 (113 -) BUS - STATION/STOPS/TERMINALS	\$22,377.00	\$5,594.00	\$27,971.00	1
1155-2026-1-P1	11.32.07 ACQUIRE - SURVEIL/ SECURITY EQUIP	\$22,377.00	\$5,594.00	\$27,971.00	1
1155-2026-1-P1	117-00 (117 -) OTHER CAPITAL ITEMS (BUS)	\$1,586,564.00	\$396,641.00	\$1,983,205.00	3
1155-2026-1-P1	11.71.12 CAPITAL COST OF 3RD PARTY CONTRACTING	\$1,491,564.00	\$372,891.00	\$1,864,455.00	1
1155-2026-1-P1	11.7A.00 PREVENTIVE MAINTENANCE - Vehicles	\$40,000.00	\$10,000.00	\$50,000.00	1
1155-2026-1-P1	11.7A.00 PREVENTIVE MAINTENANCE - Facilities	\$55,000.00	\$13,750.00	\$68,750.00	1
1155-2026-1-P1	300-00 (300 -) OPERATING ASSISTANCE	\$628,725.00	\$628,725.00	\$1,257,450.00	1
1155-2026-1-P1	30.09.01 UP TO 50% FEDERAL SHARE	\$628,725.00	\$628,725.00	\$1,257,450.00	1

Discretionary Allocations

This application does not contain discretionary allocations.

Part 3: Project Information

Project Title: FY26 5307 - Operations, Capital Cost of Contracting, Preventive Maintenance for Vehicles & Facilities, & 1% Security.

Project Number	Temporary Project Number	Date Created	Start Date	End Date
1155-2026-1-P1	1155-2026-1-P1	5/14/2026	1/1/2026	12/31/2027

Project Description

This project applies FY26 5307 funds for operating assistance, capital cost of contracting, preventive maintenance for vehicles and facilities, and the 1% security requirement.

Project Benefits

Transit staff and the public by providing a transit system for their use.

Additional Information

None provided.

Location Description

Bismarck, ND

Project Location (Urbanized Areas)

UZA Code	Area Name
380000	North Dakota
383090	Bismarck, ND

Congressional District Information

District	State
1	North Dakota

Program Plan Information

STIP/TIP

Date: 10/21/2025

Description: The 2026 - 2029 most recent approved TIP, program of projects page 16.
The 2026 - 2029 NDDOT STIP.

UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: N/A

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$2,237,666
Local			\$1,030,960
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$3,268,626

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
1155-2026-1-P1	113-00 (113-) BUS - STATION/STOPS/TERMINALS	\$22,377.00	\$5,594.00	\$27,971.00	1
1155-2026-1-P1	11.32.07 ACQUIRE - SURVEIL/ SECURITY EQUIP	\$22,377.00	\$5,594.00	\$27,971.00	1
1155-2026-1-P1	117-00 (117-) OTHER CAPITAL ITEMS (BUS)	\$1,586,564.00	\$396,641.00	\$1,983,205.00	3
1155-2026-1-P1	11.71.12 CAPITAL COST OF 3RD PARTY CONTRACTING	\$1,491,564.00	\$372,891.00	\$1,864,455.00	1
1155-2026-1-P1	11.7A.00 PREVENTIVE MAINTENANCE - Vehicles	\$40,000.00	\$10,000.00	\$50,000.00	1
1155-2026-1-P1	11.7A.00 PREVENTIVE MAINTENANCE - Facilities	\$55,000.00	\$13,750.00	\$68,750.00	1
1155-2026-1-P1	300-00 (300-) OPERATING ASSISTANCE	\$628,725.00	\$628,725.00	\$1,257,450.00	1
1155-2026-1-P1	30.09.01 UP TO 50% FEDERAL SHARE	\$628,725.00	\$628,725.00	\$1,257,450.00	1

Project Budget Activity Line Items

Budget Activity Line Item: 11.32.07 - ACQUIRE - SURVEIL/SECURITY EQUIP

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS - STATION/STOPS/TERMINALS (113-00)	11.32.07	ACQUIRE - SURVEIL/SECURITY EQUIP	ACQUISITION - BUS STATIONS/TERMINALS	1

Extended Budget Description

This activity funds security enhancements, satisfying the 1% security requirement. Bis-Man Transit uses this funding to continue security upgrades by replacing/acquiring/ ongoing security camera software/ support, ongoing security of rolling stock (a portion of this project will be charged to FY25 5307 security) ; building facility/bus shelter security upkeep/maintenance including repairs to system, locks/doors & existing cameras; additional security cameras for blind spots; facility lighting and door enhancements and to cover other general security needs as they arise.

The federal to local match ratio is 80/20. The local match for all projects in this grant will be provided by mill levy of various jurisdictions.

Any item purchased with a cost above \$10,000 and useful life greater than 1 year will be reported at grant closeout.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$22,377
Local			\$5,594
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$27,971

Milestone Name	Est. Completion Date	Description
Start Date	1/1/2026	Ongoing security software & security needs
End Date	12/31/2027	Security enhancement expected to be completed and funds disbursed

Budget Activity Line Item: 11.7A.00 - PREVENTIVE MAINTENANCE - Facilities

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER CAPITAL ITEMS (BUS) (117-00)	11.7A.00	PREVENTIVE MAINTENANCE	OTHER CAPITAL ITEMS (BUS)	1

Extended Budget Description

This activity funds Preventive Maintenance for facilities beginning 1/01/2026 and ending 10/30/2027 for the following expenses: Ongoing projects to extend useful life of the transit facility (Exterior & Interior repairs). Multiple invoices with multiple draws. -- significant roof, siding, exterior painting and wall repairs due to building aging; restore and repair aging facility elements (including faded counters/tile flooring, cabinets restoration); restore office walls per City of Bismarck recommendations (including repair wall seal/existing holes-removal of old tech in board room); repair, restore, replace existing bus shelters and benches including bench backs; repaint existing bus garage parking stall lines (including touch up garage walls); office equipment repair/replacement (including replace failing office furniture); and general upkeep items; ongoing concrete and curbing repair, concrete replacing and repair Bis-Man Transit Facility parking lot/curbing and any other part(s) of the concrete project, and also, any other necessary materials and resources needed to complete the project. A portion of this project may include the costs of project management, materials and labor.

The federal to local match ratio is 80/20. The local match for all projects in this grant will be provided by mill levy of various jurisdictions.

The facility was originally constructed in the late 1990's and is not located within a historic district. Ground disturbance is minimal.

The Brokerage Contract and Operations Contract are separate/different dates.

1. Brokerage Contract is between the City of Bismarck and BisMan Transit (BisMan Transit is the Broker for the City of Bismarck), and

2. The Operations Contract is between BisMan Transit and National Express/We Drive U. RFP for the Operations contract was issued on February 20, 2023

Preventive Maintenance funds will allow Bis-Man Transit to maintain their building and rider facilities in a state of good repair, ensuring transit system users are comfortable and safe. Any item purchased with a cost above \$10,000 and useful life greater than 1 year will be reported at grant closeout.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$55,000
Local			\$13,750
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$68,750

Milestone Name	Est. Completion Date	Description
Start Date	1/1/2026	Pre-award authority to support Facility PM activities starting 1/01/2026.
End Date	10/30/2027	Facility PM assistance projected to be exhausted and funds disbursed by 10/30/2027.

Budget Activity Line Item: 11.7A.00 - PREVENTIVE MAINTENANCE - Vehicles
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Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER CAPITAL ITEMS (BUS) (117-00)	11.7A.00	PREVENTIVE MAINTENANCE	OTHER CAPITAL ITEMS (BUS)	1

Extended Budget Description

This activity funds Preventive Maintenance for vehicles starting 1/01/2026 and ending 10/30/2027 for the following expenses: vehicle maintenance covered by National Express/We Drive U contract (oil changes, in-house repairs, etc) as well as expenses paid to outside vendors for parts and labor to repair vehicles. Likely multiple invoices with draws for the entire period of the contract, this is an ongoing project to extend useful life of the fleet. Any items purchased at \$10,000 or greater and a useful life more than 1 year will be reported at grant closeout.

The federal to local match rate is 80/20. The local match for all projects in this grant will be provided by mill levy of various jurisdictions.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$40,000
Local			\$10,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$50,000

Milestone Name	Est. Completion Date	Description
Start Date	1/1/2026	Pre-award authority to support Vehicle PM activities starting 1/01/2026.
End Date	10/30/2027	Vehicle PM assistance projected to be exhausted and funds disbursed by 10/30/2027.

Budget Activity Line Item: 11.71.12 - CAPITAL COST OF 3RD PARTY CONTRACTING

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER CAPITAL ITEMS (BUS) (117-00)	11.71.12	CAPITAL COST OF 3RD PARTY CONTRACTING	3RD PARTY CONTRACTS	1

Extended Budget Description

This activity funds 40% of the value of the contract for operations and preventive maintenance costs associated with the Third Party Operations Contract which covers tasks associated with the physical operation of the buses and routes. This funding benefits the public directly at the point of service beginning January 1, 2026 and expected to end October 30, 2026.

The federal to local match rate is 80/20. The local match for all projects in this grant will be provided by mill levy of various jurisdictions.

CCOC is calculated based on the value of the Operations Contract. Bis-Man Transit does not have an explicit amount outlined within the contract. Rather, the contractor is reimbursed by revenue hour. Bis-Man Transit has budgeted \$4.7 million to the contract and the contractor is expected to exceed this amount.

The City of Bismarck, as the Recipient, owns the buses; therefore, 40% of the value of the contract is eligible for an 80/20 match. The CCOC calculation is as follows:

\$4,701,137.90 - \$40,000 liquidated damages x 40% = \$1,864,455
 \$1,864,455 x 80% = \$1,491,564 (federal portion of CCOC)
 \$1,491,564 x 20% = \$372,891 (local portion of CCOC)

BisMan Transit is the transit broker for the City of Bismarck. The Brokerage Contract period is January 1, 2022 - December 31, 2026. In addition to the Brokerage Contract, BisMan Transit holds an Operations Contract with National Express (We Drive U). National Express/We Drive U is the 3rd Party contractor for the CCOC ALI, and we forecast \$1,864,445 to be the amount of expense utilized in this FY26 grant for CCOC. CCOC covers the capitol costs of contracting and portions of the expenses incurred under the Operations Contract with National Express/We Drive U. The period of the Operations Contract is November 1, 2023 - October 31, 2026, (with an option for an annual extension up to three times or a final terminus of October 31, 2029). On February 27, 2026 BisMan Transit opted to extend to October 31, 2029.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$1,491,564
Local			\$372,891
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$1,864,455

Milestone Name	Est. Completion Date	Description
Start Date	1/1/2026	pre-award authority to support CCOC operations starting 1/1/2026.
End Date	10/30/2026	CCOC assistance projected to be exhausted and funds disbursed by 10/30/2026.

Budget Activity Line Item: 30.09.01 - UP TO 50% FEDERAL SHARE

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OPERATING ASSISTANCE (300-00)	30.09.01	UP TO 50% FEDERAL SHARE	OPERATING ASSISTANCE	1

Extended Budget Description

This activity funds operating expenses for fixed route and paratransit January 1, 2026 and ending October 30, 2026. Operating expenses include fuel, wages, and other expenses incurred in the operation of public transportation services. The activities are consistent with allowable activities outlined in circular 9050.1A.

The federal to local match rate is 50/50. The local match for all projects in this grant will be provided by mill levy of various jurisdictions.

BisMan Transit is the transit broker for the City of Bismarck. The Brokerage Contract period is January 1, 2022 - December 31, 2026. The 5-year contract is longer than the Operations contract and we forecast \$628,725 to be the amount of expenses utilized in this FY25 grant year for operations. Future 5307 grants will be used for future portions of the Operations Contract, and future expense may come from 2026 or future years.

Operations activities consist of BisMan Transit staff wages, general transit operations, and expenses incurred from the Operation Contract that are not covered by the CCOC ALI. National Express (We Drive U) holds the Operations Contract with BisMan Transit and is the primary 3rd party contractor for Operations. The period of the Operations Contract is November 1, 2023 - October 31, 2026, (with an option for an annual extension up to three times or final terminus of October 31, 2029). On February 27, 2026 BisMan Transit opted to extend to October 31, 2029.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$628,725
Local			\$628,725
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$1,257,450

Milestone Name	Est. Completion Date	Description
Start Date	1/1/2026	pre-award authority to support operations starting 1/1/2026.
End Date	10/30/2026	operating assistance projected to be exhausted and funds disbursed by 10/30/2026.

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
OPERATING ASSISTANCE (300-00)	30.09.01	UP TO 50% FEDERAL SHARE	1	\$628,725.00	\$1,257,450.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

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Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
OTHER CAPITAL ITEMS (BUS) (117-00)	11.71.12	CAPITAL COST OF 3RD PARTY CONTRACTING	1	\$1,491,564.00	\$1,864,455.00

Finding: Class II(c) - Categorical Exclusions (C-List)**Class Level Description**

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
OTHER CAPITAL ITEMS (BUS) (117-00)	11.7A.00	PREVENTIVE MAINTENANCE – Vehicles	1	\$40,000.00	\$50,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)**Class Level Description**

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 08: Maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
OTHER CAPITAL ITEMS (BUS) (117-00)	11.7A.00	PREVENTIVE MAINTENANCE - Facilities	1	\$55,000.00	\$68,750.00

Finding: Class II(c) - Categorical Exclusions (C-List)**Class Level Description**

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 05: Activities, including repairs, replacements, and rehabilitations, designed to promote transportation safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: the deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation; installation of passenger amenities and traffic signals; and retrofitting existing transportation vehicles, facilities or structures, or upgrading to current standards.

Date	Description
	Class IIc CE Approved

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
BUS - STATION/STOPS/TERMINALS (113-00)	11.32.07	ACQUIRE - SURVEIL/ SECURITY EQUIP	1	\$22,377.00	\$27,971.00

Part 4: Fleet Details

No fleet data exists for this application.

Part 5: FTA Review Comments

There are no review comments to display at this time.



Public Works Utility Operations

DATE: June 23, 2026

FROM: Michael Mart, Public Works Utility Operations Director

ITEM: Hay Creek Interceptor Permanent Easements

REQUEST:

Permanent easement acceptance for the Hay Creek Interceptor Project.

BACKGROUND INFORMATION:

In June 2023, the City Commission approved the easements for the Hay Creek Interceptor Project. As the project advanced, a minor adjustment in the transmission line alignment created the need for additional easements. The required permanent easements for 161 Commercial and Burleigh County have since been acquired for the project. There is no cost associated with these additional easements.

RECOMMENDED CITY COMMISSION ACTION:

Approve permanent easements for the Hay Creek Interceptor Project.

STAFF CONTACT INFORMATION:

Michael Mart, Public Works Utility Operations Director, 701-355-1704, mmart@bismarcknd.gov

ATTACHMENTS:

None



Public Works Utility Operations

DATE: June 23, 2026

FROM: Michael Mart, Public Works Utility Operations Director

ITEM: Water Service Agreements With The City of Lincoln

REQUEST:

Assumption agreement and water service contract amendment with the City of Lincoln.

GOAL FOUR: Strengthen and expand regional partnerships to collaboratively address shared infrastructure challenges and opportunities.

1.4.1 Strengthen collaboration with regional partners to coordinate investments and infrastructure planning across jurisdictions for greater efficiency and impact.

BACKGROUND INFORMATION:

The City of Bismarck and City of Lincoln have been in discussion regarding the coordination of infrastructure for the water line along Highway 10 and 66th Avenue. In coordination with the City of Lincoln, an Assumption Agreement has been prepared to formally transfer ownership of the waterline and associated easements to the City of Bismarck. This agreement establishes the legal framework for the transfer, clearly delineating ownership responsibilities, operational control, maintenance obligations, and all associated rights and interests tied to the infrastructure. An amendment to the Water Service Agreement 665-2 between the City of Bismarck and the City of Lincoln to define the point of connection between the systems has also been drafted.

RECOMMENDED CITY COMMISSION ACTION:

Approve assumption agreement and water service contract amendment with the City of Lincoln.

STAFF CONTACT INFORMATION:

Michael Mart, Public Works Utility Operations Director, 701-355-1704, mmart@bismarcknd.gov

ATTACHMENTS:

1. City of Lincoln Water Assumption Agreement
2. City of Lincoln Water Service Contract Addendum 1

Water Main, Valve, and Hydrant Assumption Agreement and Dedication

This Water Main, Valve, and Hydrant Assumption Agreement and Dedication (Agreement) is made between the City of Bismarck, a municipal corporation, whose post office address is PO Box 5503, Bismarck, ND 58506-5503 and the City of Lincoln, a municipal corporation, whose address is 74 Santee Road, Lincoln, North Dakota 58504.

Whereas, the City of Bismarck and the City of Lincoln desire to enter into a water main, valve, and hydrant assumption agreement and to dedicate infrastructure constructed as part of water transmission line project 19-01, incorporated into this agreement by reference.

Whereas, the City of Bismarck and the City of Lincoln entered into a water service contract in March 2019 Contract Number 665-2, and that contract referenced certain assets separate from those in this Agreement.

Whereas, the City of Lincoln has caused to be constructed Water Mains, Valves, Hydrants, and appurtenances within the waterline main easements recorded by the Burleigh County Recorder as documents

884505 located in Lot D of Lot 1, Block 1 BARBIE'S NEIGHBORHOOD SUBDIVISION in Northeast Quarter of Section 6, Township 138, Range 79 West of the Fifth Principal Meridian in Burleigh County, North Dakota;

884506 located in Lot A of Northeast Quarter of Section 6, Township 138, Range 79 West of the Fifth Principal Meridian in Burleigh County, North Dakota;

885114 located in Lot C of Lot 1, Block 1, BARBIE'S NEIGHBORHOOD SUBDIVISION in Northeast Quarter of Section 6, Township 138, Range 79 West of the Fifth Principal Meridian in Burleigh County, North Dakota;

885115 located in Lot E of Lot 1, Block 1, BARBIE'S NEIGHBORHOOD SUBDIVISION in Northeast Quarter of Section 6, Township 138, Range 79 West of the Fifth Principal Meridian in Burleigh County, North Dakota;

885116 located in Lot 1, Block 1, SCHMIDTZ FIRST SUBDIVISION in Northeast Quarter of Section 6, Township 138, Range 79 West of the Fifth Principal Meridian in Burleigh County, North Dakota;

885117 located in Lot B of Lot 1, BARBIE'S NEIGHBORHOOD SUBDIVISION in Northeast Quarter of Section 6, Township 138, Range 79 West of the Fifth Principal Meridian in

Burleigh County, North Dakota; and within Burleigh County right of way along Main Avenue (Highway 10) from 52nd Street NE to 66th Street NE and along 66th Street NE from Main Avenue up to the 12-inch gate valve south of the 12-inch by 12-inch tee located 50 feet north of Apple Creek Road as part of water transmission line project 19-01. These Water Mains, Valves, Hydrants, and other appurtenances shall be referred to as assets. All other infrastructure installed south of, and including, the 12-inch gate valve is excluded from this agreement and remains the property of the City of Lincoln.

Whereas, the City of Lincoln now desires to dedicate the assets and assign the easements, and

Whereas, the City of Bismarck has inspected the assets and finds that they meet the City of Bismarck's minimum standards for such installations and the City of Bismarck desires to assume ownership and responsibility for the assets and to incorporate them into its system, the parties agree as follows:

1. The City of Lincoln, by executing this Agreement, represents that they are the owners of the assets, have the authority to transfer the ownership thereof, that they convey, dedicate to the public, and transfer to the City of Bismarck all rights, title, and interest to the assets free of any and all liens or encumbrances and easements 884505, 884506, 885114, 885115, 885116, 885117. The City of Lincoln will have no further responsibility or obligation for the maintenance or operation of the assets beyond those identified in the water service contract referenced above.

2. The City of Bismarck, by executing this Agreement, will operate and maintain the assets and accepts the easements.

3. From and after the effective date, the City of Bismarck assumes, and shall be solely responsible for, all duties, obligations, liabilities, and responsibilities arising out of or relating to the waterline main easements described herein and the assets installed within or accessed via such easements, including, without limitation, claims, demands, suits, causes of action, damages, fines, penalties, costs, or expenses asserted by or on behalf of any grantor, owner, or occupant of property burdened by the easements, to the extent arising out of or relating to the ownership, operation, maintenance, repair, replacement, access, use, or condition of the assets or easement areas on or after the effective date. The City of Bismarck shall hold harmless the City of Lincoln and its officers, employees, and agents from and against any and all such claims, demands, suits, causes of action, liabilities, damages, judgments, and all reasonable costs and expenses (including reasonable attorneys' fees) incurred in connection therewith. Any potential or pending cause of action relating to the easements noted above prior to the effective date of this agreement shall remain the responsibility of the City of Lincoln.

Dated this _____ day of _____, 2026.

Keli Berglund
Mayor, City of Lincoln

Tami Erman
City Auditor, City of Lincoln

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this _____ day of _____, 2026 before me personally appeared Keli Berglund, Mayor of the City of Lincoln and Tami Erman, City Auditor of the City of Lincoln, 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.

Dated this ____ day of _____, 2026.

Attest:

Jason Tomanek
Bismarck City Administrator

Michael Schmitz
President, Board of City Commission

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this ____ day of _____, 2026, before me personally appeared Michael Schmitz, President of the Board of Bismarck City Commission, and Jason Tomanek, Bismarck City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

(SEAL)
Notary Public, Burleigh County,
North Dakota.

**Addendum to the Water Service Contract
with the City of Bismarck and the City of Lincoln**

This Addendum to the Water Service Contract between the City of Bismarck (“CITY”) and the City of Lincoln (“USER”) dated March 13, 2019, Contract Number 665-2 (“Contract”), amends and supplements the Contract with an effective date of the last signature.

NOW THEREFORE, in consideration of the mutual promises contained herein as good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Parties agree as follows:

Paragraph 7 of the Contract, General Obligations, is amended to add the following additional terms:

Notwithstanding anything to the contrary in the Contract, the Parties acknowledge that there are two points of connection between the User and the City defined as:

- Lincoln Road/Yegen Road Point of Connection. The 12-inch gate valve located east of the 24-inch by 24-inch cross in the southeast corner of Lincoln Road and Yegen Road shall serve as a point of connection. All infrastructure installed east of the 24-inch by 24-inch cross, including the 12-inch gate valve, as constructed in 2004 under Water Improvement District No. 2004-1, Project No. 1403305 by the USER shall be owned by the USER. The 24-inch by 24-inch cross, and all infrastructure located west, north and south of the cross shall be owned by the CITY.
- Apple Creek Road/66th Street Point of Connection. The 12-inch gate valve located south of the 12-inch by 12-inch tee in the northwest corner of Apple Creek Road and 66th Street shall serve as a point of connection. All infrastructure installed south of, and including, the 12-inch gate valve shall be owned by the USER. The 12-inch by 12-inch tee, and all infrastructure located north and west of the tee shall be owned by the CITY.

The Parties further agree:

- In the event that maintenance or repairs are required for either 12-inch gate valve at a point of connection as set out above, the CITY shall provide the USER with any available resources, including parts, labor, equipment, and technical expertise, to the extent that such resources are within the CITY’s possession and capability, to assist USER in completing the maintenance or repairs.
- In coordination with the USER, the CITY shall exercise and operate the valves at the points of connection on an annual basis to ensure proper functionality.
- If either Party undertakes work in the vicinity of either 12-inch gate valve at the points of connection that necessitates replacement of the valve, the Party performing the work shall bear full responsibility for all costs associated with the valve’s replacement.

This Addendum contains the entire understanding and agreement between the Parties with respect to the subject matter of this Addendum. Each Party agrees that this Addendum shall become and is part of the Contract and shall supplement, clarify and modify the Contract, as applicable to the subject matter of this Addendum.

Dated this _____ day of _____, 2026.

Keli Berglund
Mayor, City of Lincoln

Tami Erman
City Auditor, City of Lincoln

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this _____ day of _____, 2026 before me personally appeared Keli Berglund, Mayor of the City of Lincoln and Tami Erman, City Auditor of the City of Lincoln, 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.

Dated this ____ day of _____, 2026.

Attest:

Jason Tomanek
Bismarck City Administrator

Michael Schmitz
President, Board of City Commission

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this ____ day of _____, 2026, before me personally appeared Michael Schmitz, President of the Board of Bismarck City Commission, and Jason Tomanek, Bismarck City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

(SEAL)
Notary Public, Burleigh County,
North Dakota.



Engineering Department

DATE: June 23, 2026

FROM: Gabe Schell, City Engineer

ITEM: Easement Release Paradise Valley Public Hearing

REQUEST:

Public Hearing on the request for a release of an existing Temporary Turnaround Easement within Lots 4 & 5, Block 4, Paradise Valley Addition and Lot 26, Block 2, Paradise Valley Second Addition.

BACKGROUND INFORMATION:

The City has been granted a temporary turnaround easement within Lots 4 & 5, Block 4, Paradise Valley Addition and Lot 26, Block 2, Paradise Valley Second Addition, recorded as document 969159. The easement was required for the construction of streets within the development. The developer has submitted petitions to extend the streets in this area, negating the need for this turnaround easement.

The easement release policy requires notification to all abutting adjacent property owners. But as the developer requesting the extension of the streets is still the owner of the adjacent properties, no notification letters were sent.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing and release easement 969159 within Lots 4 & 5, Block 4, Paradise Valley Addition and Lot 26, Block 2, Paradise Valley Second Addition.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Release of Easement-Paradise Valley
2. Document 969159

RELEASE OF EASEMENT

This RELEASE OF EASEMENT is executed by the City of Bismarck, Bismarck, ND whose post office address is PO Box 5503, Bismarck, ND 58506-5503:

WHEREAS, the City of Bismarck is the owner of a Temporary Turnaround Easement by virtue of a Grant of Easement from MBR Properties, LLC over part of Lots 4 & 5, Block 4, Paradise Valley Addition and Lot 26, Block 2, Paradise Valley Second Addition in the city of Bismarck, Burleigh County, North Dakota dated August 13, 2024, filed with the Burleigh County Recorder as Document Number 969159 and described as follows:

PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, IN THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AN AREA WITHIN A CIRCLE HAVING A RADIUS OF 60.00 FEET ENCOMPASSING THE FOLLOWING DESCRIBED CENTER POINT. COMMENCING AT THE NORTHEAST CORNER OF LOT 26, BLOCK 2 OF PARADISE VALLEY SECOND ADDITION; THEN N89°48'39"W ALONG THE NORTH LINE OF SAID LOT 26 A DISTANCE OF 52.08 FEET; THEN N00°11'21"E ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 26 A DISTANCE OF 33.00 FEET TO THE CENTER POINT OF SAID 60.00 FOOT CIRCLE.

The City of Bismarck, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid to the City of Bismarck, the receipt of which is hereby acknowledged, hereby completely and irrevocably releases and extinguishes the described Temporary Turnaround Easement in its entirety for itself and for its successors and assigns and thereby relinquishes any and all interest in the Temporary Turnaround Easement recorded as Document Number 969159.

Dated this ____ day of _____, 20____.

Attest: _____
Jason Tomanek
City Administrator

Michael T. Schmitz, President,
Bismarck City Commission

STATE OF NORTH DAKOTA)
)ss
COUNTY OF BURLEIGH)

On this ____ day of _____, 20____, before me personally appeared Michael T. Schmitz and Jason Tomanek, 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.



969159

\$20.00
Page: 1 of 6
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Burleigh County

TEMPORARY TURNAROUND EASEMENT

This Temporary Turnaround Easement is made this 13th day of August, 2024, between **MBR Properties, LLC**, whose address is 2211 E Main Ave, Bismarck, North Dakota 58501, Grantor and the **City of Bismarck**, a municipal corporation, whose post office address is 221 North 5th St., Bismarck, North Dakota 58506-5503, Grantee.

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

PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, IN THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AN AREA WITHIN A CIRCLE HAVING A RADIUS OF 60.00 FEET ENCOMPASSING THE FOLLOWING DESCRIBED CENTER POINT. COMMENCING AT THE NORTHEAST CORNER OF LOT 26, BLOCK 2, OF PARADISE VALLEY SECOND ADDITION; THENCE N89°48'39"W ALONG THE NORTH LINE OF SAID LOT 26 A DISTANCE OF 52.08 FEET; THENCE N00°11'21"E ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 26 A DISTANCE OF 33.00 FEET TO THE CENTER POINT OF SAID 60.00 CIRCLE.

Description prepared by Cole Neset; Neset Land Surveys; 5306 51st Ave S, Suite A, Fargo, ND 58104.

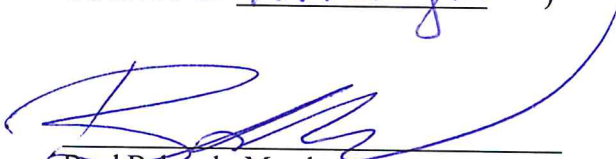
3. The Grantee is responsible for the installation, operation, and maintenance of improvements or facilities constructed or installed pursuant to this easement according to applicable development policies.
4. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution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

IN WITNESS WHEREOF, the Grantors have hereto fixed their signatures this 15 day of February, 2024.

STATE OF North Dakota)

) SS

COUNTY OF Burleigh)

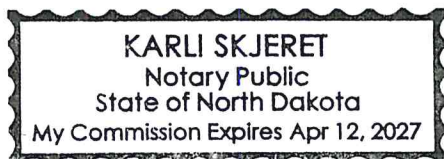

Brad Balerud - Member
MBR Properties LLC
P.O. Box 1272
Bismarck, ND 58502


Randy Rhone - Member
MBR Properties LLC
P.O. Box 1272
Bismarck, ND 58502


Steve Mariner
MBR Properties LLC
P.O. Box 1272
Bismarck, ND 58502


Greg Maliner
MBR Properties LLC
P.O. Box 1272
Bismarck, ND 58502

On this 15 day of February, 2024, before me appeared Brad Balerud of MBR Properties, LLC, known to me to be the person that is described in and that he executed the foregoing instrument, and acknowledged that he executed the same.



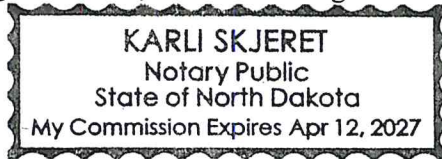

Notary Public, Burleigh County, ND
My Commission Expires: Apr 12, 2027



969159

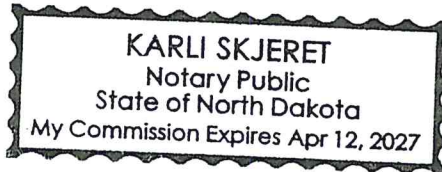
\$20.00
Page: 3 of 6
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Burleigh County

On this 15 day of February, 2024, before me appeared Randy Rhone of MBR Properties, LLC, known to me to be the person that is described in and that he executed the foregoing instrument, and acknowledged that he executed the same.



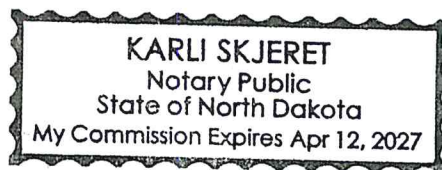
Karli Skjeret
Notary Public, Burleigh County, ND
My Commission Expires:

On this 20 day of February, 2024, before me appeared Steve Mariner of MBR Properties, LLC, known to me to be the person that is described in and that he executed the foregoing instrument, and acknowledged that he executed the same.



Karli Skjeret
Notary Public, Burleigh County, ND
My Commission Expires:

On this 15 day of February, 2024, before me appeared Greg Mariner of MBR Properties, LLC, known to me to be the person that is described in and that he executed the foregoing instrument, and acknowledged that he executed the same.



Karli Skjeret
Notary Public, Burleigh County, ND
My Commission Expires:

\$20.00
Page: 4 of 6
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Burleigh County

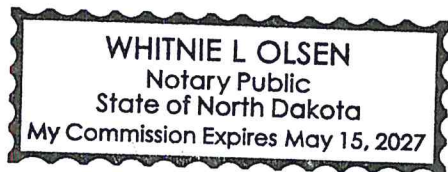
Acceptance by City of Bismarck:


Michael T. Schmitz, President
Board of City Commissioners

Attest: Jason Tomanek
City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this day 13th day of August, 2024, before me appeared Michael T. Schmitz, President of the Board of City Commissioners, and Jason Tomanek, City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

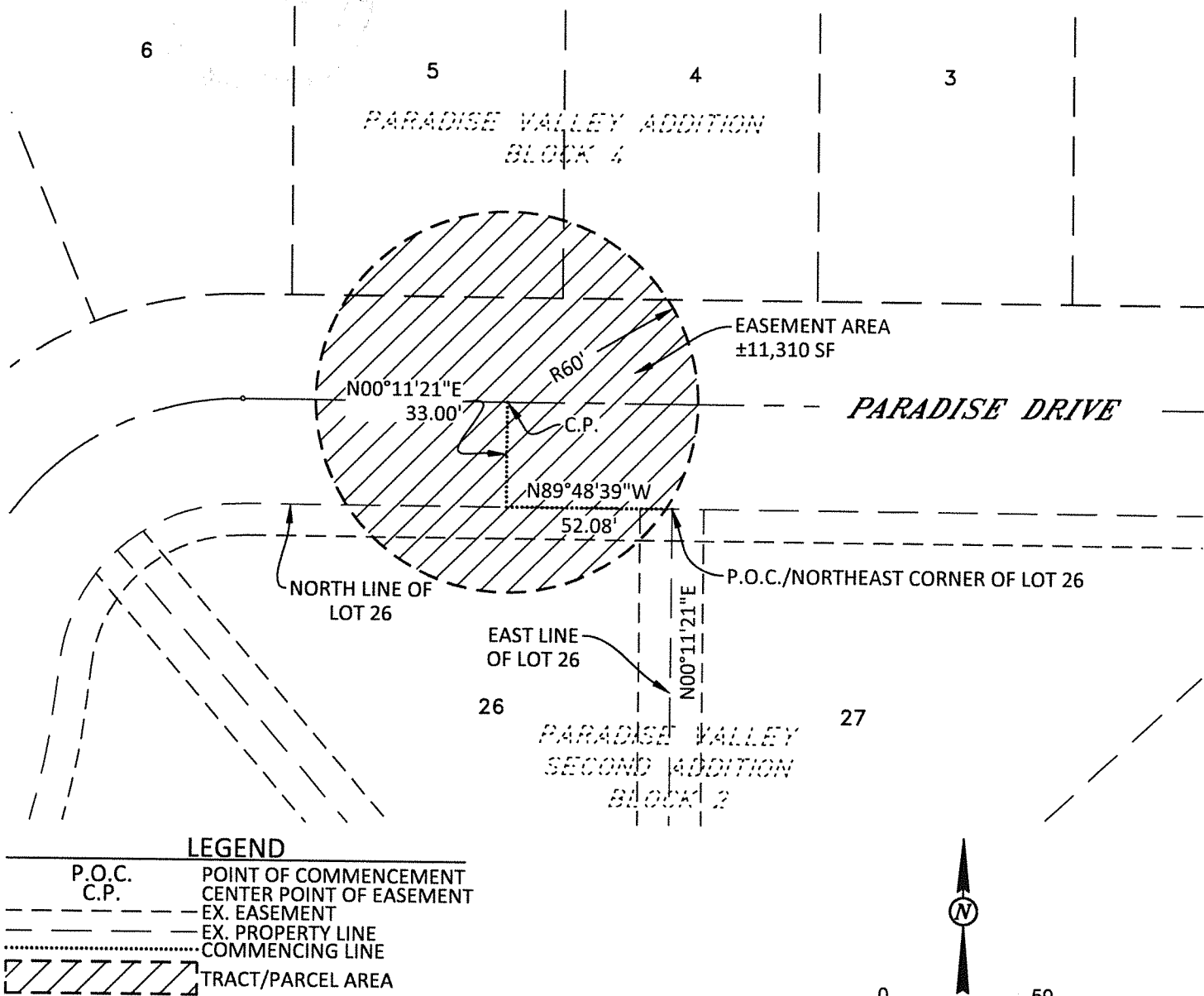


Whitnie J. Olsen
Notary Public, Burleigh County, ND
My Commission Expires: May 15, 2027

EXHIBIT

TEMPORARY TURNAROUND EASEMENT

PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH,
RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN
IN THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

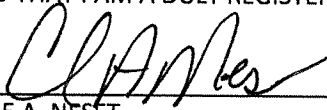
PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, IN THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AN AREA WITHIN A CIRCLE HAVING A RADIUS OF 60.00 FOOT ENCOMPASSING THE FOLLOWING DESCRIBED CENTER POINT. COMMENCING AT THE NORTHEAST CORNER OF LOT 26, BLOCK 2, OF PARADISE VALLEY 2ND ADDITION; THENCE N89°48'39"W ALONG THE NORTH LINE OF SAID LOT 26 A DISTANCE OF 52.08 FEET; THENCE N00°11'21"E ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 26 A DISTANCE OF 33.00 FEET TO THE CENTER POINT OF SAID 60.00 FOOT CIRCLE.

SAID TRACT OF LAND CONTAINS 11,310 SQUARE FEET MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SURVEYOR'S CERTIFICATE

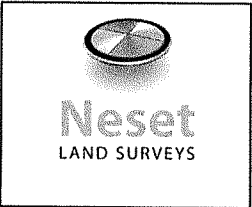
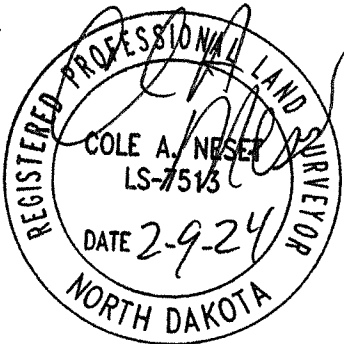
I COLE A. NESET HEREBY CERTIFY THAT THIS SURVEY, PLAN, AND/OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.



COLE A. NESET
REGISTERED LAND SURVEYOR
LS-7513

2-9-24

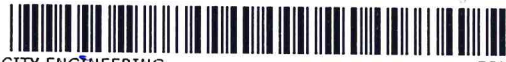
DATE:



DRAWN BY: GCB

CHECKED BY: CAN

DATE: 02/08/2024



CITY ENGINEERING

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Page: 6 of 6
8/14/2024 10:58 AM
Burleigh County





Planning Department

DATE: June 23, 2026

FROM: Daniel Nairn, Planning Department Director

ITEM: Ordinance 6670

REQUEST:

Public hearing on Ordinance 6670, a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential and P – Public zoning district, and major subdivision final plat titled Boulder Ridge Eighth Addition.

BACKGROUND INFORMATION:

The Land Development Code (LDC) and associated official zoning map was approved by the City Commission on May 26, 2026, taking effect on October 1, 2026. The zoning ordinance for the proposed zoning map amendment will include the existing zoning district and their equivalents outlined in the LDC.

Five Guys Investment LLP requests approval of a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential (RS – Residential Suburban) zoning district and P – Public (OS – Open Space) zoning district and a major subdivision final plat titled Boulder Ridge Eighth Addition.

The project is located in north Bismarck, east of North Washington Street, between 43rd Avenue NE and East Lasalle Drive.

The Planning and Zoning Commission held a public hearing on this request on May 27, 2026, and voted to recommend approval.

The attached staff report contains a complete review of the request, according to standards of the Comprehensive Plan, city ordinances, and other relevant law.

RECOMMENDED CITY COMMISSION ACTION:

Approve Ordinance 6670, a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential (RS – Residential Suburban) and P – Public (OS – Open Space) zoning districts, and major subdivision final plat titled Boulder Ridge Eighth Addition.

STAFF CONTACT INFORMATION:

Daniel Nairn, Planning Department Director, 701-355-1854, dnairn@bismarcknd.gov
Jenny Wollmuth, Senior Planner, 701-355-1850, jwollmuth@bismarcknd.gov

ATTACHMENTS:

1. Staff Report

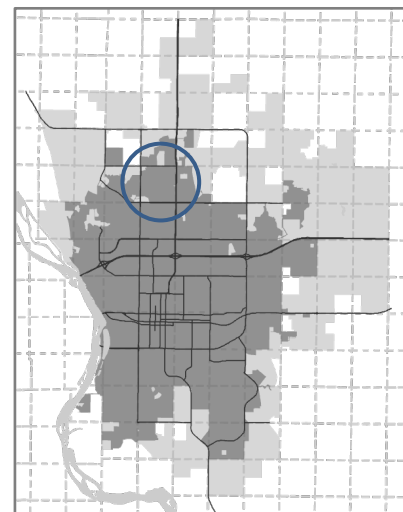
STAFF REPORT

Application for: **Zoning Map Amendment**
Final Plat

Project ID: **ZC2025-022**
FPLT2026-002

Project Summary

<i>Title:</i>	Boulder Ridge Eighth Addition
<i>Status:</i>	Board of City Commissioners - Public Hearing
<i>Property Owner(s):</i>	Five Guys Investment LLP
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	North Bismarck, east of North Washington Street, between 43rd Avenue NE and East Lasalle Drive
<i>Project Size:</i>	13.6 acres
<i>Applicant Request:</i>	Rezone and plat to facilitate single-family development and neighborhood park
<i>PZC Recommendation:</i>	Approve
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	Part of 1 parcel	<i>Lots/Blocks:</i>	19 Lots in 4 Blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	R10 – Residential P – Public
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	R10 – Single and two-family residential P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	R10 – 10 units / acre P – N/A

(continued)

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	N/A
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	N/A
<i>Neighborhood:</i>	Boulder Ridge	<i>Annexed:</i>	07/2013

Project Narrative

Five Guys Investment LLP requests approval of a zoning map amendment from the A – Agricultural zoning district to the R10 – Residential (RS – Residential Suburban) zoning district and P – Public (OS – Open Space) zoning district and a major subdivision final plat titled Boulder Ridge Eighth Addition.

The Land Development Code (LDC) and associated official zoning map was approved by the City Commission on May 26, 2026, taking effect on October 1, 2026. The zoning ordinance

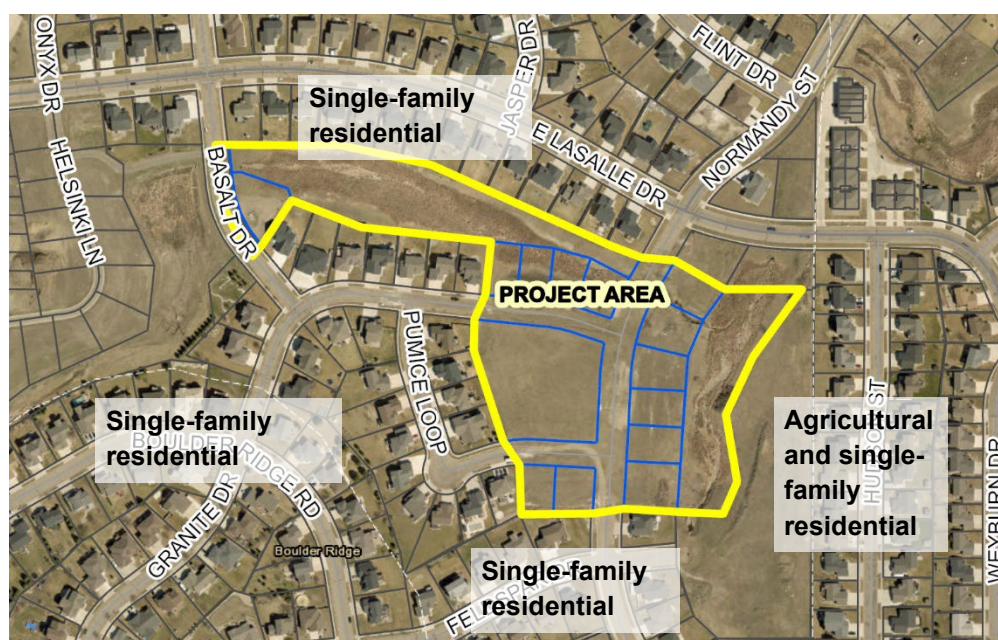
for the proposed zoning map amendment will include the existing zoning district and their equivalents outlined in the LDC.

A neighborhood park is planned for Lot 1, Block 2. The Bismarck Board of Park Commissioners at their meeting on May 21, 2026, took action to request the City of Bismarck create a Park Improvement Special Assessment District to develop the proposed park. A special assessment district may be created after the proposed plat is recorded.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are places for quiet enjoyment of home life. Goals and objectives of this plan as

they relate to the major subdivision final plat and the zoning map amendment are referenced in review standards below.

(continued)

Adjacent uses include developing single-family residential to the north, south, and west, and a remnant agriculture zoned parcel to the east.

Public Engagement

Planning and Zoning Commission

The Planning and Zoning Commission considered the preliminary plat and zoning map amendment request on January 28, 2026, and called for a public hearing.

The public was duly notified of this request. A notice was published in the Bismarck Tribune on May 15 and 22, and 123 postcards were mailed to the owners of nearby properties on May 15, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on May 11, 2026.

The Planning and Zoning Commission held a public hearing on this request on May 27, 2026. Staff received one written comment outlining traffic concerns before the hearing. Additionally, two members of the public spoke during the hearing inquiring about landscape buffering requirements and special assessments for the proposed park. At the conclusion of the hearing, the Planning and Zoning Commission voted to recommend approval of the project.

City Commission

The City Commission considered this request on June 9, 2026, and called for a public hearing on the request.

An additional notice was published in the Bismarck Tribune on June 11 and 18, 2026.

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

All written comments received by staff prior to the public hearing will be distributed to the City Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Urban Neighborhood in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the Project Context section above. The proposed zoning district would allow single- and two-family residential and a neighborhood park. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of A – Agricultural is the default for any piece of land that has not been otherwise zoned. The property is adjacent to the Boulder Ridge neighborhood which continues to develop and expand. Therefore, the proposed zoning of the property to the R10 – Residential zoning district and P – Public zoning district at this

(continued)

time will help facilitate future phases of development.

The Land Development Code (LDC) and associated official zoning map were approved by the City Commission on May 26, 2026, taking effect on October 1, 2026. The zoning ordinance for the proposed zoning map amendment includes the existing zoning district and their equivalents outlined in the LDC.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance map amendment ([Comprehensive Plan](#))

Yes. The following objectives of the plan would be advanced through the proposed amendment.

- S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.
- G3: Coordinate expansion of city infrastructure and services with growth.
- I1(a): Ensure neighborhood parks are included within newly developed residential subdivisions so that all residents have a small park within a half-mile walk from home.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning

ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission and City Commission.

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

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

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat. The overall area of lots remain the same, but three additional lots were added in Block 10.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion

Yes. No specific conditions were placed on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly

(continued)

development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements and right-of-way that extended into and through the plat. The plat includes two lots (Lot 2, Block 1 and Lot 10, Block 4) that are fully encumbered by stormwater and drainage easements. It also includes right-of-way for Granite Drive and Normandy Street.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. Normandy Street, a collector roadway, is included within the plat. Once constructed, this segment of Normandy Street will be a continuous collector roadway within this area from 43rd Avenue NE to 57th Street NE. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. There are no corridors identified in the Active Mobility Plan within or adjacent to the proposed subdivision. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes, with the development of a neighborhood park on Lot 1, Block 2 as proposed.

The Bismarck Board of Park Commissioners at their meeting on May 21, 2026, took action to request the City of Bismarck create a Park Improvement Special Assessment District to develop the proposed park. A special assessment district may be created after the proposed plat is recorded.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity have been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. The City Engineer has conditionally approved the PCSMP for the proposed subdivision.

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback,

(continued)

and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision (Goal I6-a)

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District (Goal G3-f, Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision (Goal G3-a)

Yes. The proposed subdivision involves infill development of an area already served by municipal infrastructure. The additional up-front and ongoing costs to the City are expected to be minimal, relative to the benefits provided by the subdivision.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, City Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Upon tentative approval of the preliminary plat, the applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission and City Commission.

A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

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

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

Recommendations

Planning and Zoning Commission

Based on the above findings, and at the conclusion of the public hearing, the planning and Zoning Commission recommended approval of the proposed zoning map amendment from the A – Agricultural zoning districts to the R10 – Residential (RS – Residential Suburban) and P – Public (OS – Open Space) zoning districts and major subdivision final plat for Boulder Ridge Eighth Addition.

Planning Staff

Based on the above findings, staff recommended approval of the proposed zoning map amendment from the A – Agricultural zoning districts to the

(continued)

R10 – Residential (RS – Residential Suburban) and P – Public (OS – Open Space) zoning districts and major subdivision final plat for Boulder Ridge Eighth Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. LDC Zoning Map
5. Preliminary Plat
6. Final Plat
7. PZ Public Comment

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. 6670

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-02-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-02-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which will become effective on October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the A – Agriculture zoning district and included in the RS – Residential Suburban zoning district:

Lots 1-6, Block 1; Lots 1-2, Block 3; and Lots 1-10, Block 4, Boulder Ridge Eighth Addition

The following described property shall be excluded from the A – Agriculture zoning district and included in the OS – Open Space zoning district:

Lot 1, Block 2, Boulder Ridge Eighth Addition

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which is effective until October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the A – Agriculture zoning district and included in the R10 – Residential zoning district:

Lots 1-6, Block 1; Lots 1-2, Block 3; and Lots 1-10, Block 4, Boulder Ridge Eighth Addition

The following described property shall be excluded from the A – Agriculture zoning district and included in the P – Public zoning district:

Lot 1, Block 2, Boulder Ridge Eighth Addition

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

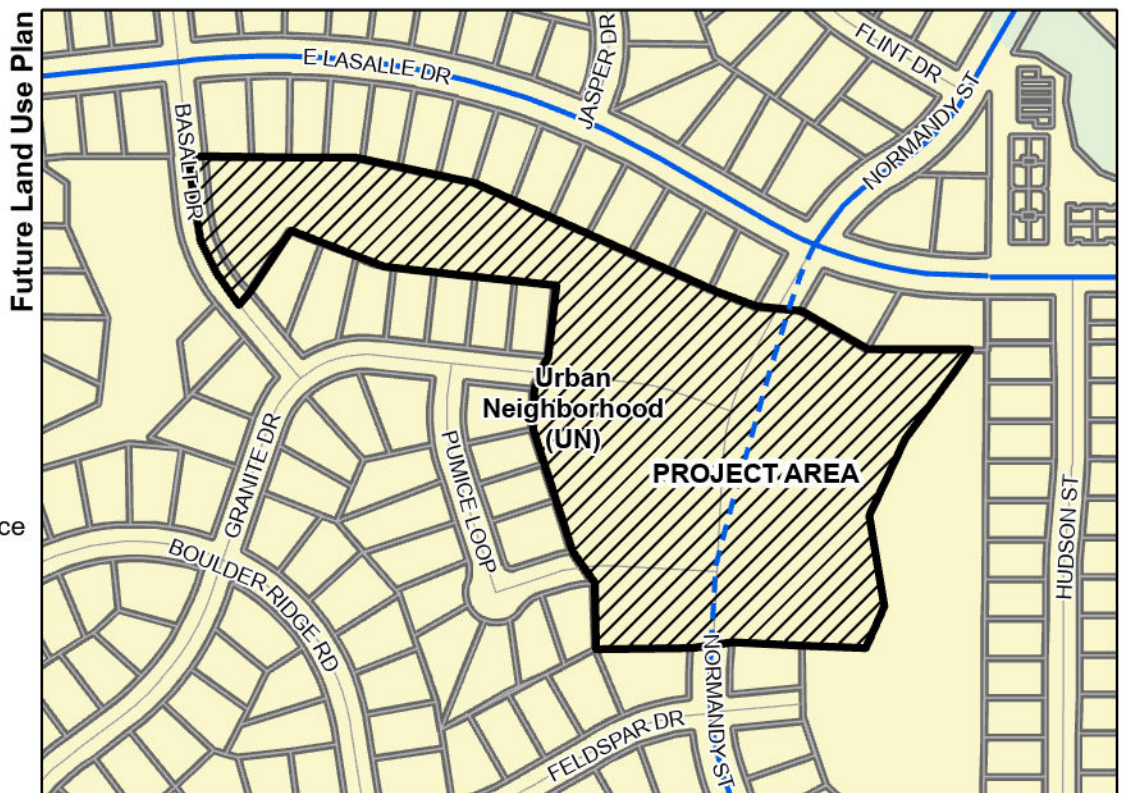
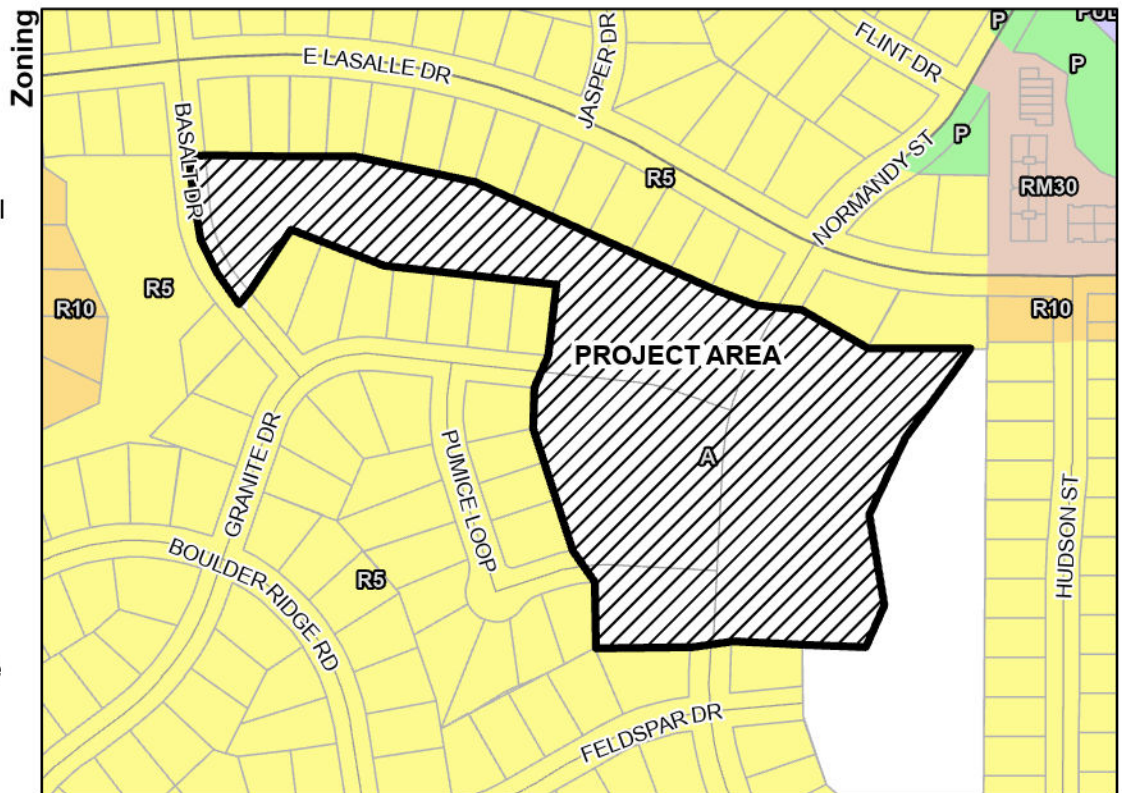
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

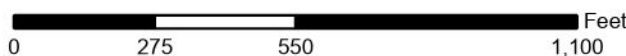
— Future Shared Trail

Major Street Plan

—	Existing Arterial
- -	Future Arterial
—	Existing Collector
- -	Future Collector
—	Existing Interstate
- -	Future Interstate
▬	City Limits



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.



City of Bismarck
Planning Department
January 21, 2026

Proposed New Zoning Map

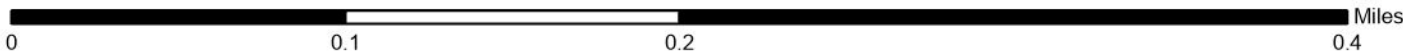
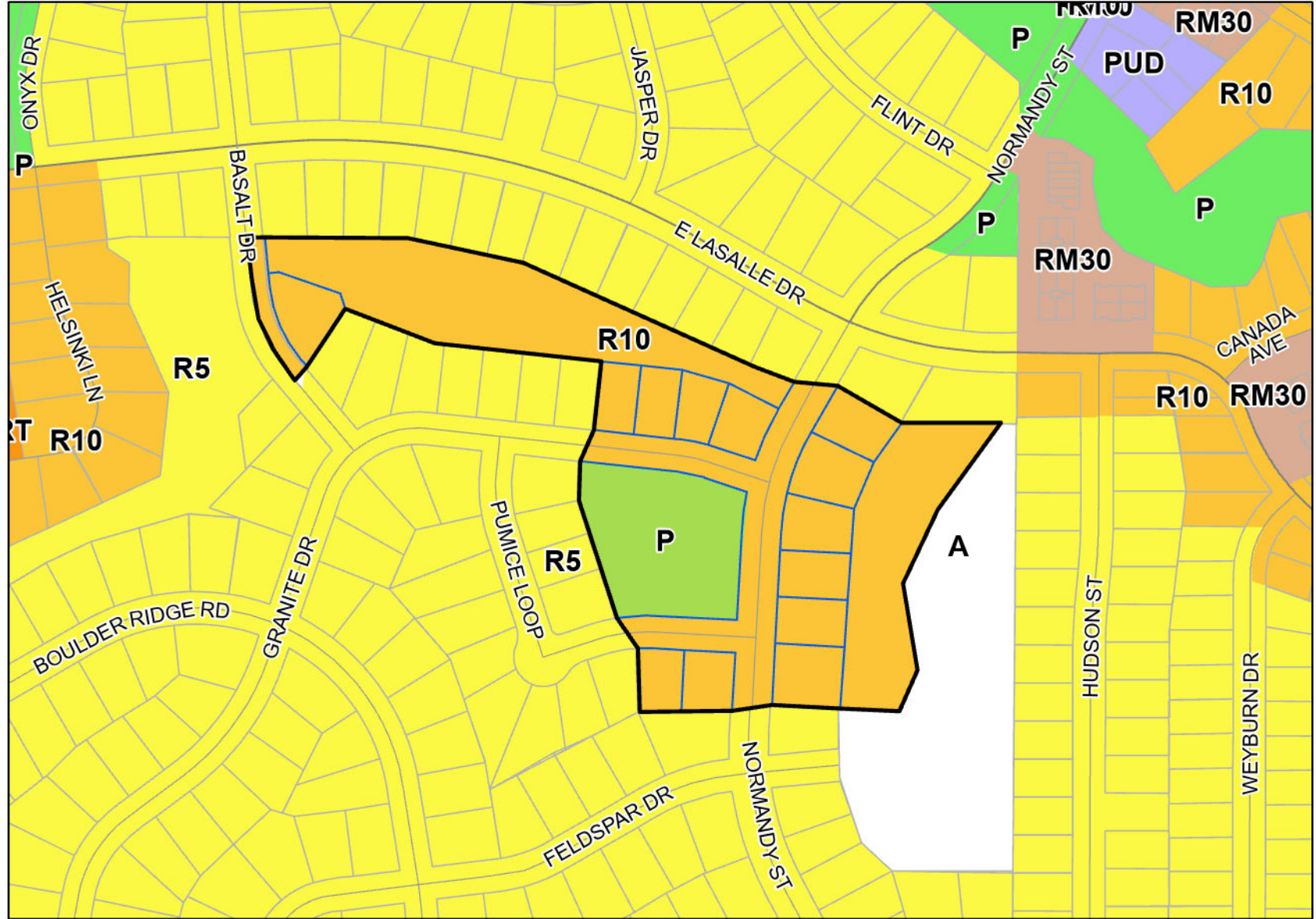
 Project Area (zoning within is proposed)

 City Limits

Zoning Districts

- A** Agriculture
- RR** Rural
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development
- DC** Downtown Core
- DF** Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district

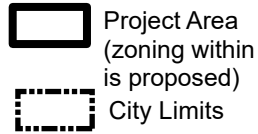


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City of Bismarck
Planning Department
January 23, 2026

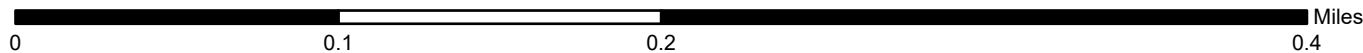
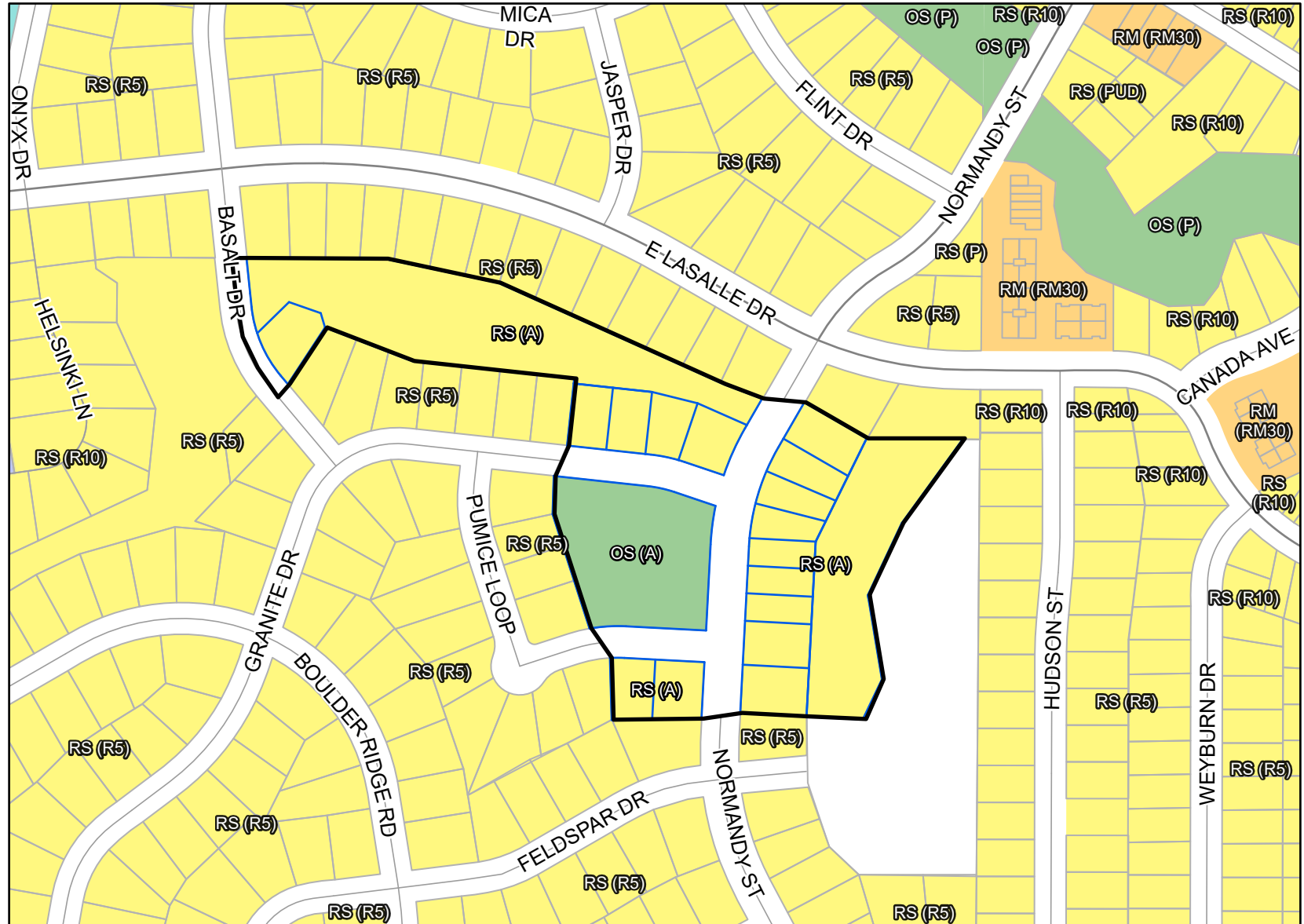
Proposed New Zoning Map



Label: LDC Zoning (Old Zoning)

Zoning Districts

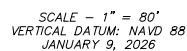
- A** Agriculture
- RRE** Residential Rural Estate
- RR** Residential Rural
- RS** Residential Suburban
- RM** Residential Multi-Family
- RU** Residential Urban
- RMH** Residential Manufactured Housing
- RX** Residential Mixed
- OX** Office Mixed
- CX** Commercial Mixed
- CG** Commercial General
- IX** Industrial Mixed
- IG** Industrial General
- DT** Downtown
- PCI** Public Civic
- OS** Institutional
- PUD** Open Space
- PUD** Planned Unit Development



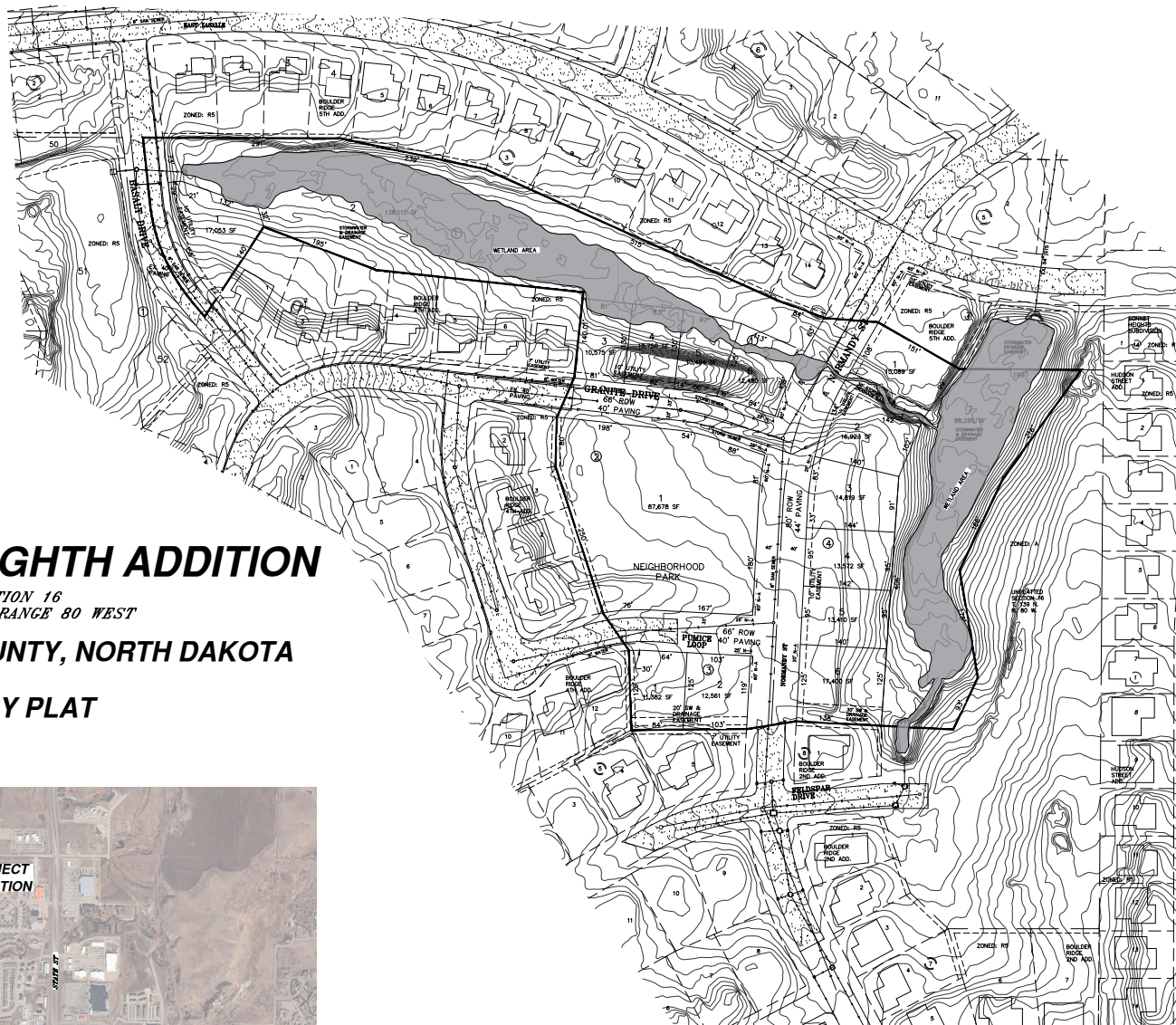
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No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Planning Department
June 2, 2026



PART OF SECTION 16
TOWNSHIP 139 NORTH, RANGE 80 WEST

PRELIMINARY PLAT**LOCATION MAP**

13.6 ACRES
EXISTING ZONING: AG
PROPOSED ZONING: R10/P

16 LOTS, 4 BLOCKS

OWNER: 5 GUYS INVESTMENT, LLP

CENTERLINE LENGTHS:

NORMANDY ST---827 LF (COLLECTOR)
PUMICE LOOP---261 LF (LOCAL)
GRANITE DRIVE---378 LF (LOCAL)

MAXIMUM ALLOWABLE HOUSING UNITS:
R10 --26 UNITS
P--0 UNITS

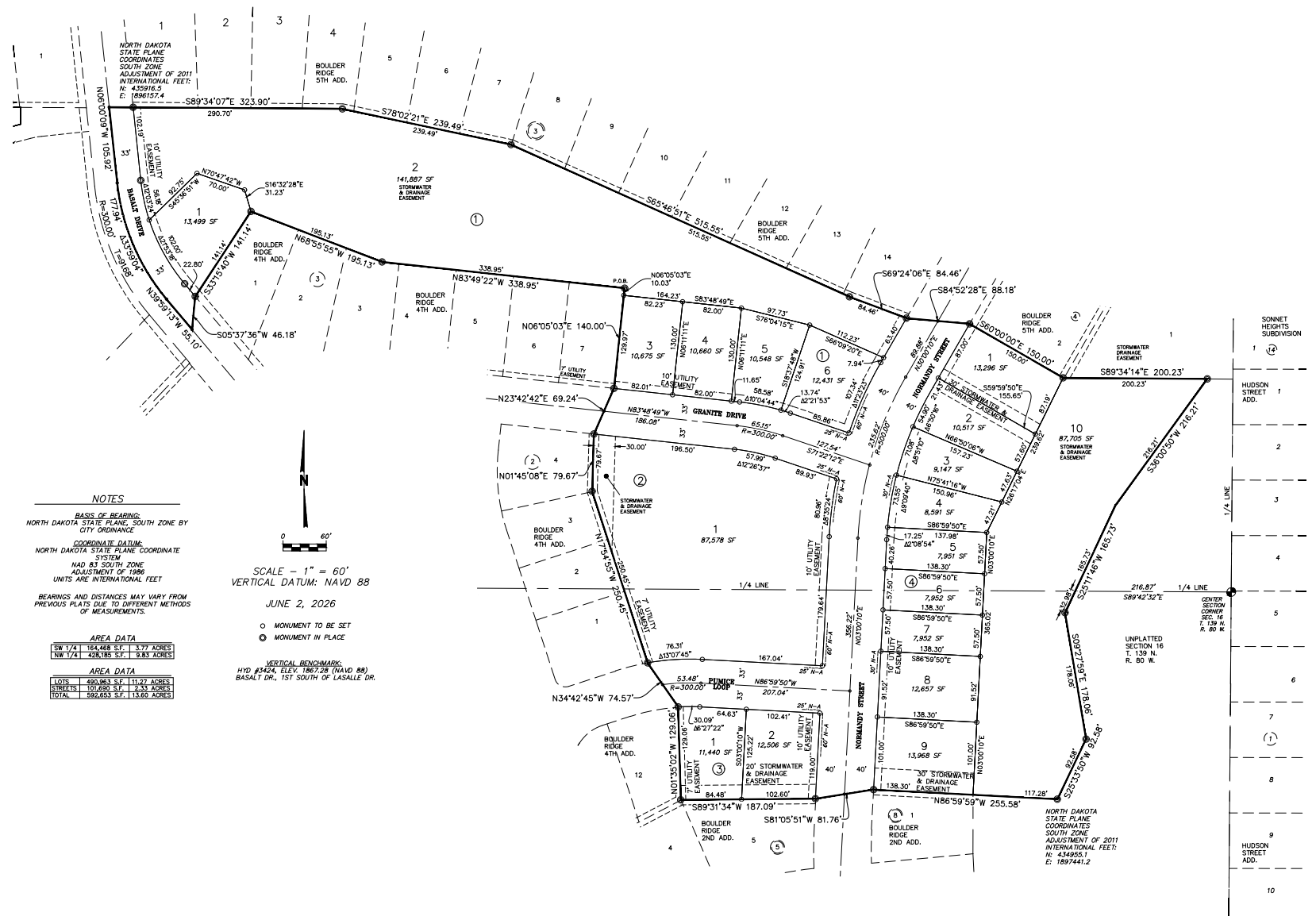


SWENSON, HAGEN & COMPANY P.C.

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

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

BOULDER RIDGE EIGHTH ADDITION
 BEING PART OF THE WEST 1/2
 OF SECTION 16 TOWNSHIP 139 NORTH, RANGE 80 WEST
 OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



BOULDER RIDGE EIGHTH ADDITION
BEING PART OF THE WEST 1/2
OF SECTION 16 TOWNSHIP 139 NORTH, RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING PART OF THE WEST 1/2 OF SECTION 16 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 7 BLOCK 3 BOULDER RIDGE FOURTH ADDITION; THENCE NORTH 83 DEGREES 49 MINUTES 22 SECONDS WEST, ON THE BOUNDARY LINE OF SAID ADDITION, A DISTANCE OF 338.95 FEET; THENCE NORTH 68 DEGREES 55 MINUTES 55 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 195.13 FEET; THENCE SOUTH 33 DEGREES 15 MINUTES 40 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 141.14 FEET; THENCE SOUTH 05 DEGREES 37 MINUTES 36 SECONDS WEST, A DISTANCE OF 46.19 FEET TO THE CENTERLINE OF BASALT DRIVE RIGHT-OF-WAY; THENCE NORTH 39 DEGREES 59 MINUTES 13 SECONDS WEST, ON SAID CENTERLINE, A DISTANCE OF 85.10 FEET; THENCE NORTHEASTLY AND TO THE RIGHT, CONTINUING ON SAID CENTERLINE, ON A 300.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 177.94 FEET; THENCE NORTH 08 DEGREES 00 MINUTES 09 SECONDS WEST, CONTINUING ON SAID CENTERLINE, A DISTANCE OF 105.92 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 3 BOULDER RIDGE FIFTH ADDITION; THENCE SOUTH 89 DEGREES 34 MINUTES 07 SECONDS EAST, ON SAID SOUTH LINE AND ITS WESTERLY EXTENSION, A DISTANCE OF 323.90 FEET; THENCE SOUTH 78 DEGREES 02 MINUTES 21 SECONDS EAST, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 238.49 FEET; THENCE SOUTH 65 DEGREES 46 MINUTES 51 SECONDS EAST, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 515.55 FEET; THENCE SOUTH 69 DEGREES 24 MINUTES 06 SECONDS EAST, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 84.46 FEET TO THE EAST LINE OF SAID BLOCK 3; THENCE SOUTH 84 DEGREES 50 MINUTES 28 SECONDS EAST, A DISTANCE OF 88.18 FEET TO THE SOUTH LINE OF BLOCK 4 BOULDER RIDGE FIFTH ADDITION; THENCE SOUTH 60 DEGREES 00 MINUTES 00 SECONDS EAST, ON SAID SOUTH LINE, A DISTANCE OF 150.00 FEET; THENCE SOUTH 49 DEGREES 34 MINUTES 14 SECONDS EAST, CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 200.33 FEET; THENCE SOUTH 36 DEGREES 00 MINUTES 50 SECONDS WEST, A DISTANCE OF 216.21 FEET; THENCE SOUTH 25 DEGREES 11 MINUTES 46 SECONDS WEST, A DISTANCE OF 165.73 FEET; THENCE SOUTH 09 DEGREES 27 MINUTES 59 SECONDS EAST, A DISTANCE OF 178.06 FEET; THENCE SOUTH 25 DEGREES 33 MINUTES 55 SECONDS WEST, A DISTANCE OF 92.58 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 1 BLOCK 8 BOULDER RIDGE SECOND ADDITION; THENCE NORTH 86 DEGREES 59 MINUTES 59 SECONDS WEST, ON SAID NORTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 255.84 FEET TO THE WEST LINE OF SAID LOT 1; THENCE SOUTH 41 DEGREES 05 MINUTES 51 SECONDS WEST, ON THE BOUNDARY LINE OF BOULDER RIDGE SECOND ADDITION, A DISTANCE OF 81.76 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 34 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 187.08 FEET TO THE BOUNDARY OF BOULDER RIDGE FOURTH ADDITION; THENCE NORTH 01 DEGREE 35 MINUTES 02 SECONDS WEST, ON THE BOUNDARY LINE OF SAID BOULDER RIDGE FOURTH ADDITION, A DISTANCE OF 128.06 FEET; THENCE NORTH 34 DEGREES 42 MINUTES 45 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 74.57 FEET; THENCE NORTH 17 DEGREES 54 MINUTES 55 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 250.45 FEET; THENCE NORTH 01 DEGREE 45 MINUTES 08 SECONDS EAST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 79.67 FEET; THENCE NORTH 23 DEGREES 42 MINUTES 42 SECONDS EAST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 69.24 FEET; THENCE NORTH 06 DEGREES 05 MINUTES 03 SECONDS EAST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 13.60 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____ THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
3032 ARWAY AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____, 202____, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ -- CHAIRMAN

ATTEST
DANIEL NARN -- SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT. THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 202____.

MICHAEL T. SCHMITZ -- PRESIDENT

ATTEST
JASON TOMANEX -- CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT FIVE GUYS INVESTMENT, LLP, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BOULDER RIDGE EIGHTH ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)

COUNTY OF BURLEIGH)

_____(SIGN)

JACK KNUTSON
FIVE GUYS INVESTMENT, LLP
3420 GALLATIN DR
BISMARCK, ND

ON THIS _____ DAY OF _____, 2026, BEFORE ME PERSONALLY APPEARED JACK KNUTSON OF FIVE GUYS INVESTMENT, LLP, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



SWENSON, HAGEN & COMPANY P.C.

3032 Arway Avenue
Bismarck, North Dakota 58504
dsh@swensohagen.com
Phone (701) 223-2600
Fax (701) 226-2600
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

May 27, 2026

RE: Boulder Ridge Development concerns (now 8th Addition)

Greetings:

I am writing to express concerns over Boulder Ridge. I have lived here ever since the beginning (2006) and I have come to be very disappointed, especially these past 6 (plus) years.

It has been a nightmare getting out of this development if someone wants to turn east on 43rd or head straight south. It was horrible right after the construction in 2020. I remember for around 14 years I had no issues getting out and turning left. Now, since 2020, it is a nightmare. Cannot even turn left from Boulder Ridge Road as there is a barricade there. Now with Normandy potentially being finished, it will be even worse. These previous decisions made the problems, I don't want any more bad decisions making it worse.

Also, when Washington Street was redone a few years back, when I tried to make a left hand turn to go into Bismarck heading south, I said to myself and my family..... that someone is going to get killed here. It was within 30 days of me saying that, where someone was actually killed on the intersection of Slate and Washington.

Please have consultants who are hired to actually spend time in this development and drive these streets. It is hard for a consultant who does not even live here to get this.

Thank you for your time to look into this matter.

Paulette Jacobsen

Boulder Ridge resident

Bismarck, ND



Planning Department

DATE: June 23, 2026

FROM: Daniel Nairn, Planning Department Director

ITEM: Ordinance 6671

REQUEST:

Public hearing on a major subdivision final plat titled Clear Sky Second Addition and Ordinance 6671, a zoning map amendment from the R5 – Residential and A – Agricultural zoning districts to the R5 – Residential zoning district.

BACKGROUND INFORMATION:

The Land Development Code (LDC) and associated official zoning map was approved by the City Commission on May 26, 2026, taking effect on October 1, 2026. The zoning ordinance for the proposed zoning map amendment will include the existing zoning district and their equivalents outlined in the LDC.

FRF Investments LLP and 94 Investments LLP request approval of a zoning map amendment from the R5 – Residential (RS-Residential Suburban) and the A – Agricultural zoning districts to the R5 – Residential (RS-Residential Suburban) zoning district and a major subdivision final plat titled Clear Sky Second Addition.

The project is located east of Bismarck, east of 52nd Street SE and north of Apple Creek Road.

The Planning and Zoning Commission held a public hearing on this request on May 27, 2026, and voted to recommend approval with the following conditions:

1. Additional off-site stormwater and drainage easement(s) for the adjacent property, as noted in the conditional approval of the PCSMP, are received prior to recordation of the plat.
2. The waiver of the minimum lot width subdivision standard for Lot 3, Block 4 is approved with this request.

The attached staff report contains a complete review of the request, according to the standards of the Comprehensive Plan, city ordinances, and other relevant law.

RECOMMENDED CITY COMMISSION ACTION:

Approve a major subdivision final plat titled Clear Sky Second Addition and Ordinance 6671, a

zoning map amendment from the R5 – Residential (RS-Residential Suburban) and the A – Agricultural zoning districts to the R5 – Residential (RS-Residential Suburban) zoning district.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Staff Report

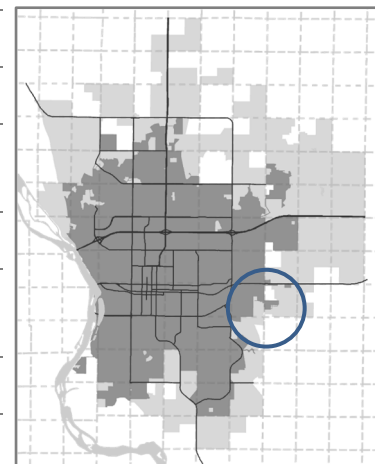
STAFF REPORT

Application for: **Zoning Map Amendment**
Final Plat

Project ID: **ZC2025-020**
FPLT2026-004

Project Summary

<i>Title:</i>	Clear Sky Second Addition
<i>Status:</i>	Board of City Commissioners - Public Hearing
<i>Property Owner(s):</i>	FRF Investments LLP 94 Investments LLP
<i>Project Contact:</i>	Andra Marquardt, PLS, Toman Engineering
<i>Project Location:</i>	East of Bismarck, east of 52nd Street SE and north of Apple Creek Road
<i>Project Size:</i>	19.18 acres, more or less
<i>Applicant Request:</i>	Rezone and plat to facilitate single-family development
<i>Staff Recommendation:</i>	Approve with conditions
<i>PZC Recommendation</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	3 unplatted parcels and 1 platted	<i>Lots/Blocks:</i>	7 lots in 4 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	R5 – Residential A – Agricultural	<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential A – Agriculture	<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density:</i>	R5 – 5 units / acre A – 1 unit / 40 acres	<i>Max Density:</i>	R5 – 5 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)
<i>Township:</i>	Apple Creek (organized)
<i>Neighborhood:</i>	Undefined

Property History

<i>Zoned:</i>	06/2019 (R5 zoned Parcel)
<i>Platted:</i>	07/2019 (R5 zoned Parcel)
<i>Annexed:</i>	N/A

(continued)

Project Narrative

FRF Investments LLP and 94 Investments LLP request approval of a zoning map amendment from the R5 – Residential (RS-Residential Suburban) and the A – Agricultural zoning districts to the R5 – Residential (RS-Residential Suburban) zoning district and a major subdivision final plat titled Clear Sky Second Addition.

The Land Development Code (LDC) and associated official zoning map was approved by the City Commission on May 26, 2026, taking effect on October 1, 2026. The zoning ordinance for the proposed zoning map amendment will include the existing zoning district and their equivalents outlined in the LDC.

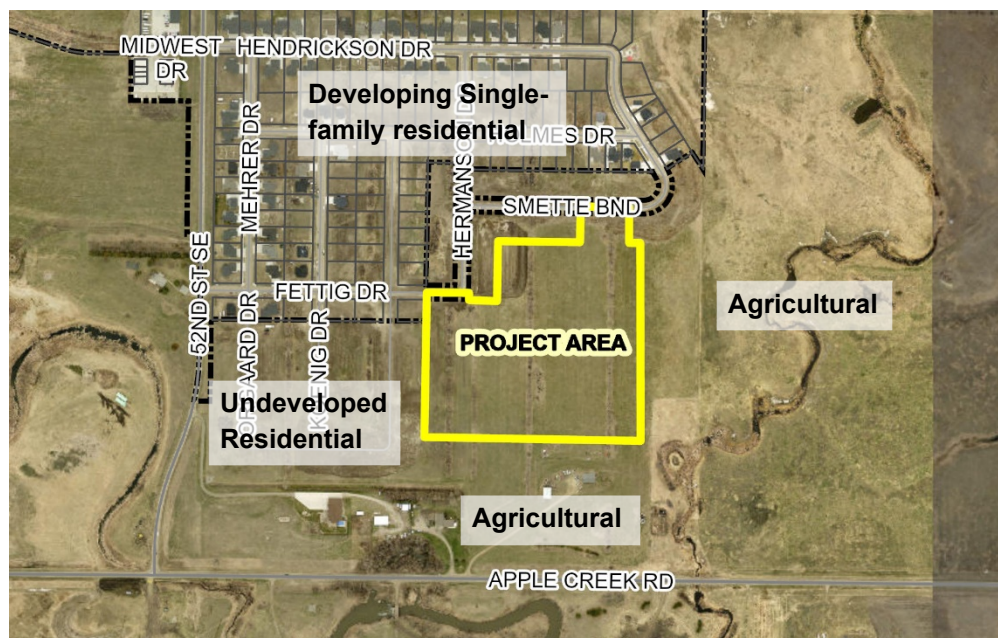
The applicant has indicated that annexation of the proposed plat will occur at a later date.

In order to facilitate the acquisition of this property for future development, the applicant is working with the adjacent property owner to subdivide this area and develop additional neighborhood amenities and infrastructure. The applicant has noted that this area will be developed later on after the rest of Clear Sky Addition is further developed. This will include the subdivision of the larger lots for residential urban development.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are places for quiet enjoyment of home life. Goals and objectives of this plan as they relate to the major subdivision preliminary plat and the zoning map amendment are referenced in review standards below.

Adjacent uses include developing single-family residential to the north, undeveloped residential to the west, and agricultural land to the south and east.

(continued)

Public Engagement

Planning and Zoning Commission

A previous version of the preliminary plat was reviewed by the Planning and Zoning Commission on January 28, 2026. However, a substantial change to the proposed number of lots occurred requiring that the preliminary plat be reviewed by the Planning and Zoning Commission again. The boundary of the plat and proposed locations of rights-of-way did not change.

The Planning and Zoning Commission considered the revised preliminary plat and zoning map amendment request on April 22, 2026, and called for a public hearing.

The public was duly notified of this request. A notice was published in the Bismarck Tribune on May 15 and 22, and 32 postcards were mailed to the owners of nearby properties on May 15, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on May 11, 2026.

City Commission

The City Commission considered this request on June 9, and called for a public hearing.

An additional notice was published in the Bismarck Tribune on June 11 and 18, 2026.

All written comments received by staff prior to the public hearing will be distributed to the City Commission and summarized by staff during the oral presentation.

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

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes, with an understanding that the proposed lots would be developed in an urban style in the future. The proposed zoning map amendment is within the area designated as Urban Neighborhood in the Future Land Use Plan, as described in the Project Context section above. This designation notes that lots are relatively compact to enhance walkability and allow efficient use of city services. The proposed zoning district would generally conform to the character of this district when future residential urban development occurs.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the Project Context section above. The proposed zoning district would allow single-family residential. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of R5 – Residential for Lots 39-41, Block 1, Clear Sky Addition was established in June 2019, and the current zoning district of A – Agricultural for the remainder of the project area is the default for any piece of land that has not been otherwise zoned. The property is adjacent to the Clear Sky

(continued)

neighborhood which continues to develop and expand. Therefore, the proposed zoning of the property to the R5 – Residential (RS-Residential Suburban) zoning district at this time will help facilitate future phases of development.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance map amendment ([Comprehensive Plan](#))

Yes. The following objectives of the plan would be advanced through the proposed amendment.

- S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.
- G3: Coordinate expansion of city infrastructure and services with growth.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of

all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

A public hearing was scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

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

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

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion

Yes. No specific conditions were placed on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes, with additional off-site easements that will be recorded in conjunction with the plat. The proposed subdivision includes rights-of-way and easements that extend into and through the plat. Rights-of-way and easements are included for stormwater and drainage, utilities, and a shared-use trail. Additional off-site stormwater and

(continued)

drainage easement(s) for the adjacent property, as noted in the conditional approval of the Post-Construction Stormwater Management Permit (PCSMP), must be received prior to recordation of the plat.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. There are no corridors identified in the Major Street Plan within or adjacent to the proposed subdivision. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. There are no corridors identified in the Active Mobility Plan within or adjacent to the proposed subdivision. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. Adequate parks and open space already exist to serve anticipated residents of this subdivision with the previously dedicated Heroes Park. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District. A formal letter waiving this requirement by the Bismarck Parks and Recreation District is attached.

Additionally, a neighboring property owner intends to dedicate land to the Bismarck Parks and Recreation District to the southeast of the plat. A park development agreement will be finalized separately. Lot 3, Block 4, Clear Sky Second Addition includes a shared-use trail easement to provide connectivity between the Clear Sky neighborhood and that future park area.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity have been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. The City Engineer has conditionally approved the PCSMP for the proposed subdivision.

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes, with a waiver from subdivision requirements requested by the applicant. Lot 3, Block 4, Clear Sky Second Addition is encumbered completely by a shared use trail easement and therefore

(continued)

would be considered non-buildable. Staff find this justification to be valid. This waiver request is attached.

All remaining lots meet the minimum area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal I6-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f](#), Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

Yes. The future revenue and other public goods generated by the proposed subdivision are expected to be proportional to the public costs of development. Public costs associated with provision of municipal water and sewer service to new development will be adequately compensated for through payment of utility capital

charges. The initial development will be funded by the developer or through special assessment of properties benefitted by said improvements, as outlined in the Development Cost Policy. Ongoing costs of maintenance and operation of all public facilities will be offset by property and/or sales tax derived from the proposed subdivision.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, City Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Upon tentative approval of the preliminary plat, the applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission and City Commission.

A public hearing was scheduled for this request with the Planning and Zoning Commission and City Commission, and all requirements for notice of this hearing were met, as documented in this report above.

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

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

(continued)

Recommendations*Planning and Zoning Commission*

Based on the above findings, the Planning and Zoning Commission recommends approval of the proposed zoning map amendment from the R5 – Residential (RS-Residential) and the A – Agricultural zoning districts to the R5 – Residential (RS-Residential) zoning district and the major subdivision final plat for Clear Sky Second Addition with the following conditions:

1. Additional off-site stormwater and drainage easement(s) for the adjacent property, as noted in the conditional approval of the PCSMP, are received prior to recordation of the plat.
2. The waiver of the minimum lot width subdivision standard for Lot 3, Block 4 is approved with this request.

Planning Staff

Based on the above findings, staff recommends approval of the proposed zoning map amendment from the R5 – Residential (RS-Residential) and

the A – Agricultural zoning districts to the R5 – Residential (RS-Residential) zoning district and the major subdivision final plat for Clear Sky Second Addition with the following conditions:

1. Additional off-site stormwater and drainage easement(s) for the adjacent property, as noted in the conditional approval of the PCSMP, are received prior to recordation of the plat.
2. The waiver of the minimum lot width subdivision standard for Lot 3, Block 4 is approved with this request.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. LDC Zoning Map
5. Final Plat
6. Preliminary Plat
7. Neighborhood Park Waiver
8. Subdivision Standards Waiver Request

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. 6671

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-02-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-02-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which will become effective on October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the RS-Residential Suburban and A-Agricultural zoning districts and included in the RS-Residential Suburban zoning district:

Lot 1, Block 1; Lot 1, Block 2; Lot 1, Block 3; and Lots 1-4, Block 4, Clear Sky Second Addition

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which is effective until October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the R5 – Residential and A – Agricultural zoning districts and included in the R5 – Residential zoning district:

Lot 1, Block 1; Lot 1, Block 2; Lot 1, Block 3; and Lots 1-4, Block 4, Clear Sky Second Addition

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

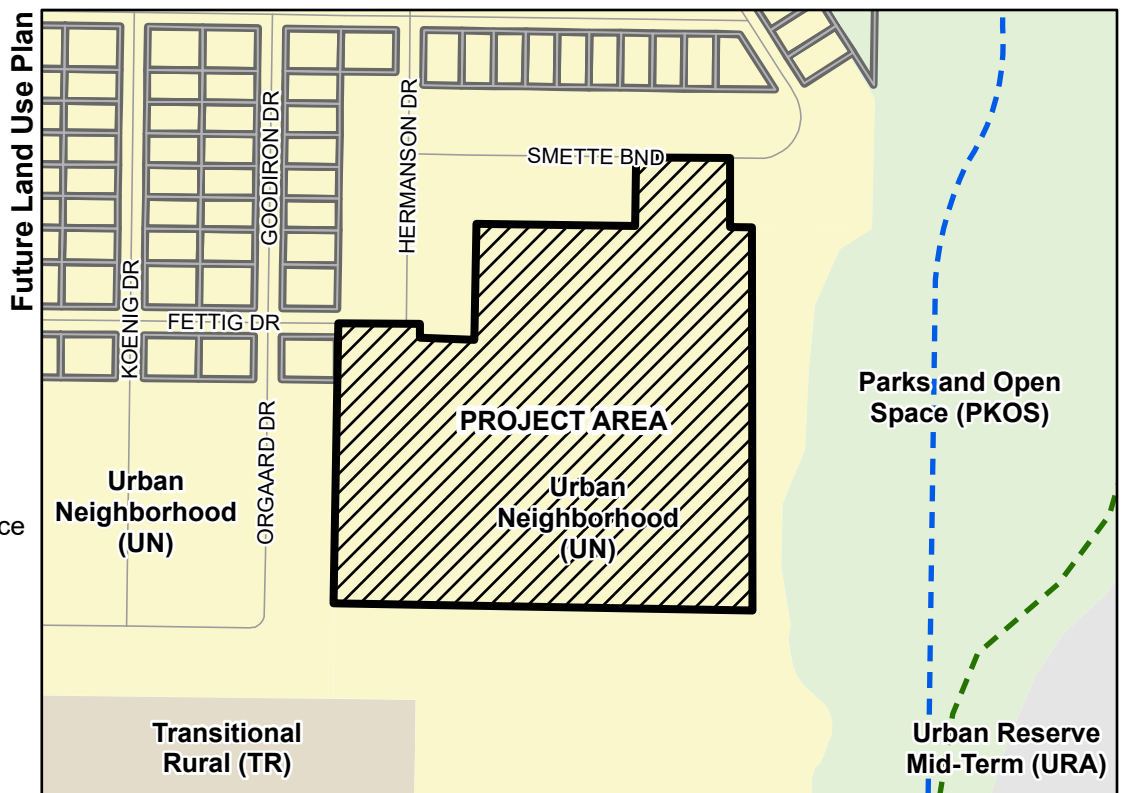
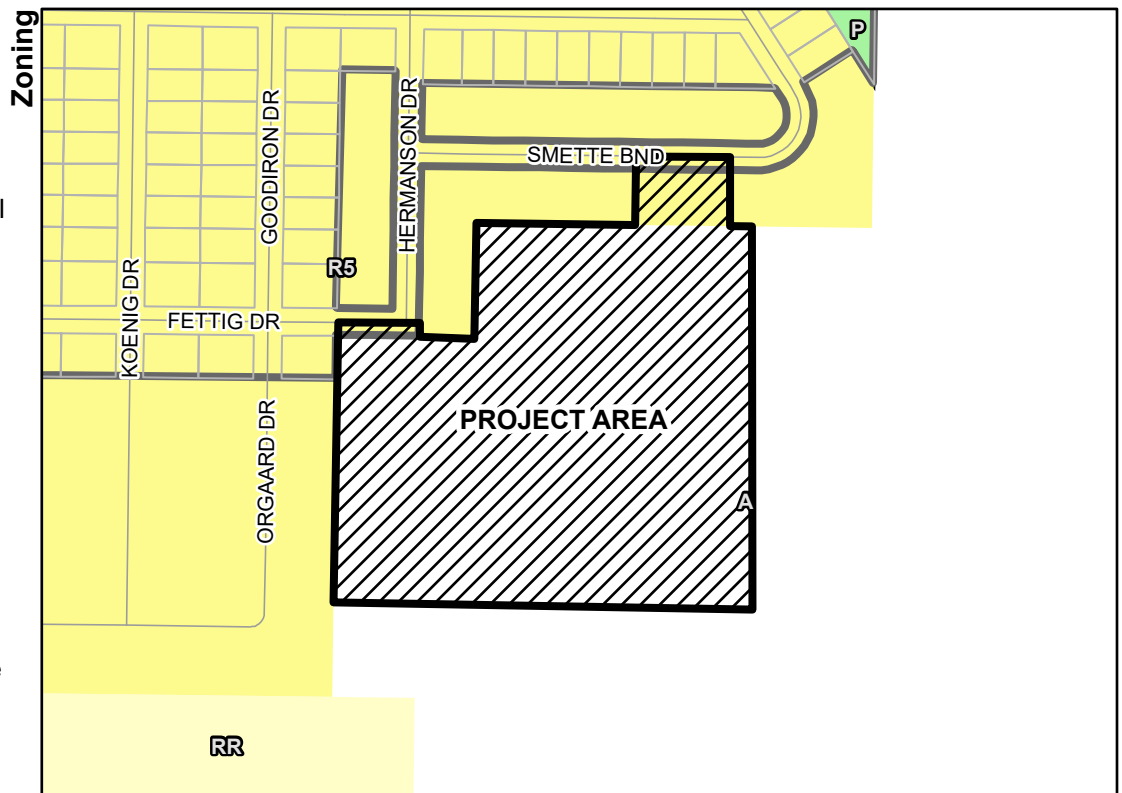
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

—	Existing Arterial
- -	Future Arterial
—	Existing Collector
- -	Future Collector
—	Existing Interstate
- -	Future Interstate
▬	City Limits



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.

0 330 660 1,320 Feet



City of Bismarck
Planning Department
January 20, 2026

Proposed New Zoning Map

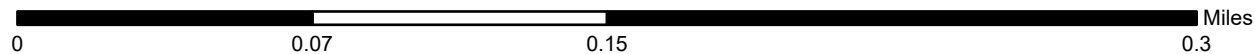
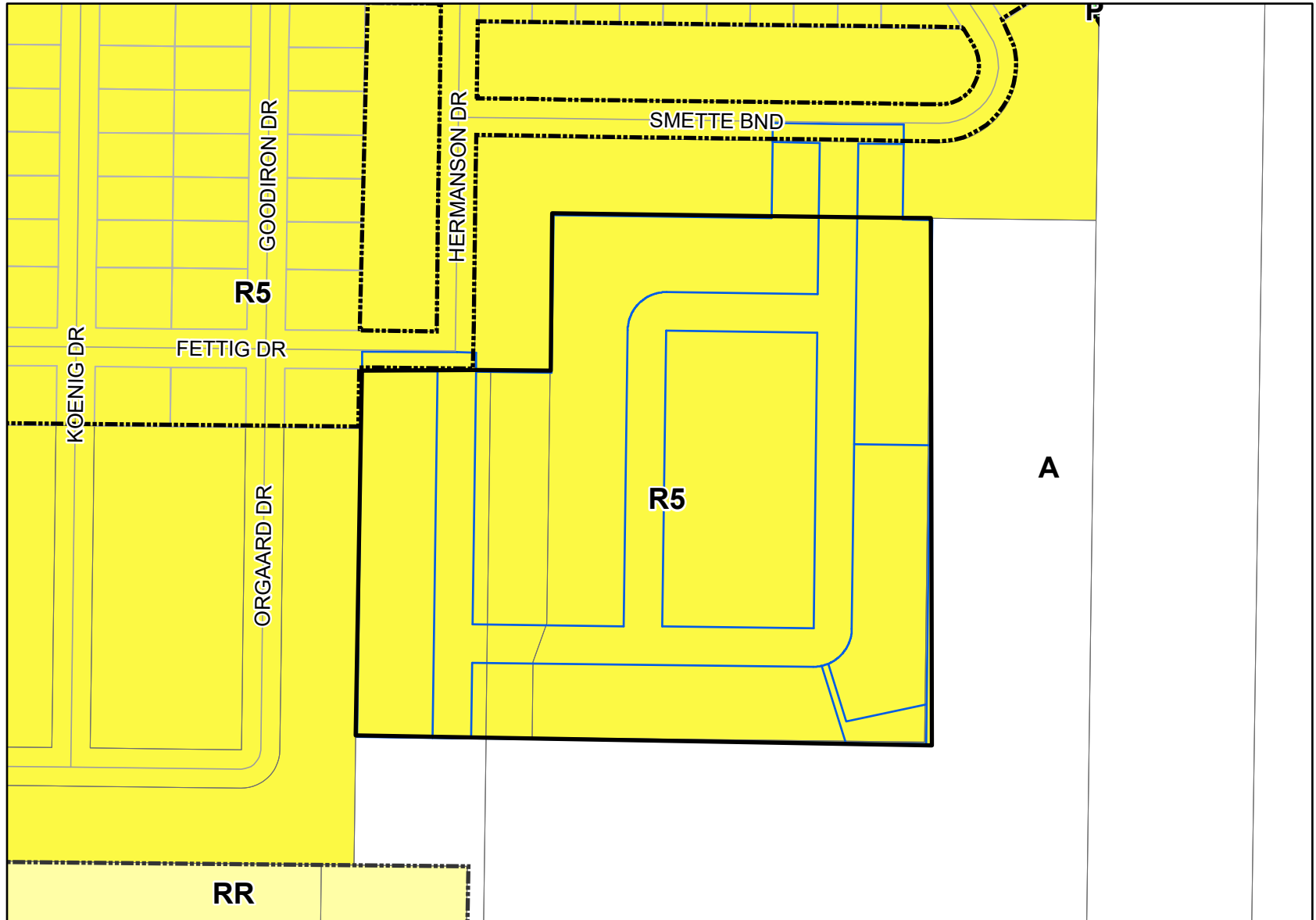
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

*A "C-" prior to the district
indicates that special
conditions would apply
to the zoning district*

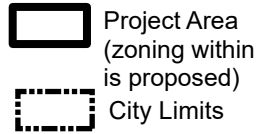


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No liability is assumed as to the accuracy of the data delineated hereon.*



City of Bismarck
Planning Department
May 21, 2026

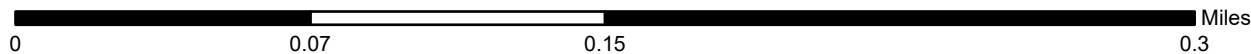
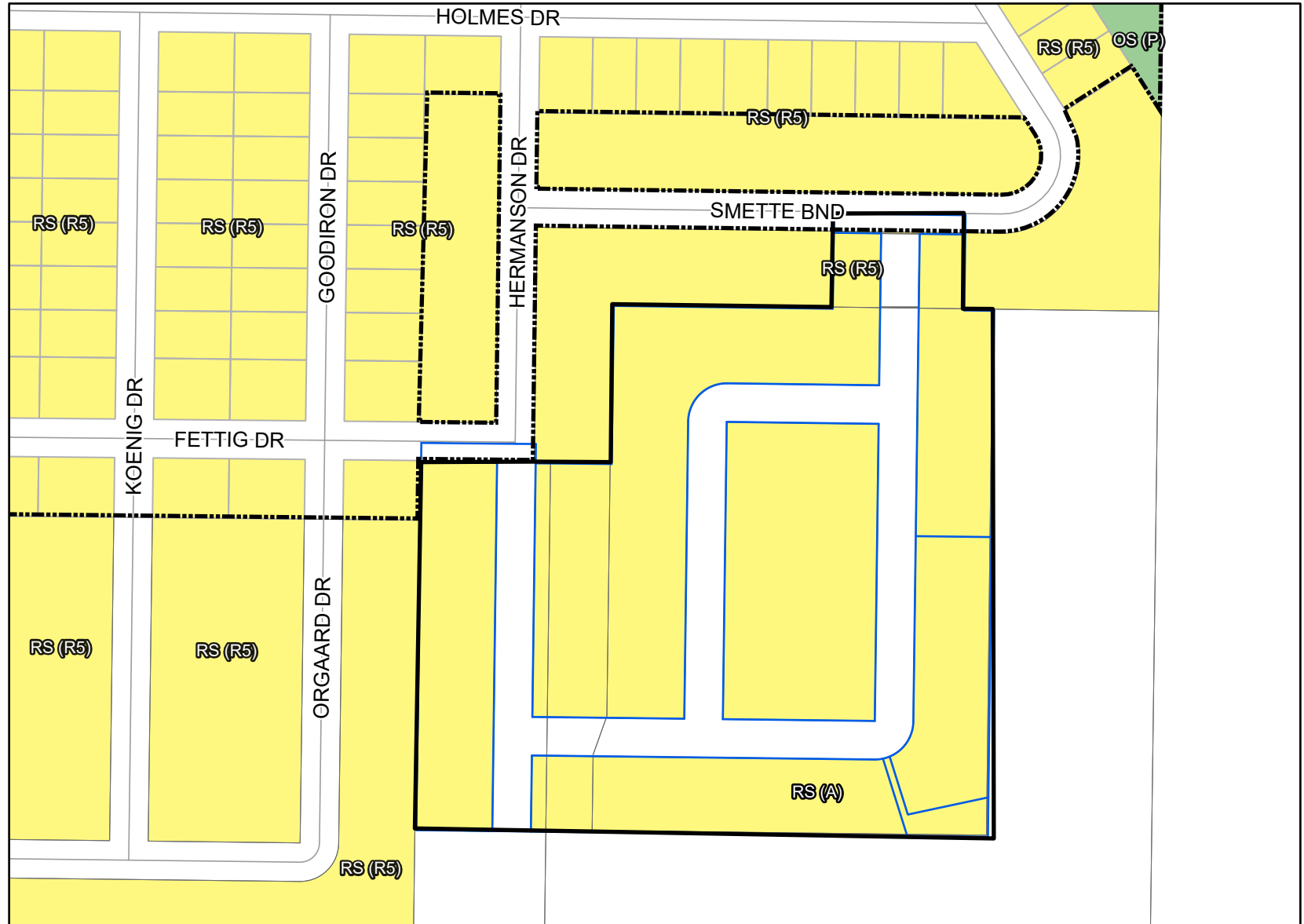
Proposed New Zoning Map



Label: LDC Zoning (Old Zoning)

Zoning Districts

- A** Agriculture
- RRE** Residential Rural Estate
- RR** Residential Rural
- RS** Residential Suburban
- RM** Residential Multi-Family
- RU** Residential Urban
- RMH** Residential Manufactured Housing
- RX** Residential Mixed
- OX** Office Mixed
- CX** Commercial Mixed
- CG** Commercial General
- IX** Industrial Mixed
- IG** Industrial General
- DT** Downtown
- PCI** Public Civic
- OS** Institutional
- OS** Open Space
- PUD** Planned Unit Development



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Planning Department
June 1, 2026

CLEAR SKY SECOND ADDITION

ALL OF LOTS 39-41, BLOCK 1, AND PORTIONS OF FETTIG DRIVE AND SMETTE BEND,
CLEAR SKY ADDITION, PART OF LOT "A" AND AUD. LOT "B," ALL WITHIN THE SOUTHWEST
1/4 OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE 5TH P.M. OF THE
CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

DESCRIPTION OF PROPERTY

ALL OF LOTS 39-41, BLOCK 1, AND PORTIONS OF FETTIG DRIVE AND SMETTE BEND, CLEAR SKY
ADDITION, PART OF LOT "A" AND AUD. LOT "B," ALL WITHIN THE SOUTHWEST 1/4 OF SECTION 6,
TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE 5TH P.M. OF THE CITY OF BISMARCK,
BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SW1/4 OF SECTION 6, T138N-R79W;
THENCE SOUTH 89°18'19" EAST ALONG THE NORTH BOUNDARY LINE OF SAID SW1/4 FOR
1739.00 FEET; THENCE SOUTH 00°44'45" WEST FOR 932.01 FEET TO A POINT ON THE
CENTERLINE OF SMETTE BEND, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE
SOUTH 89°18'19" EAST ALONG SAID CENTERLINE FOR 225.00 FEET TO A POINT ON THE WEST
BOUNDARY LINE OF LOT 38, BLOCK 1, CLEAR SKY ADDITION OF THE CITY OF BISMARCK,
BURLEIGH COUNTY, NORTH DAKOTA EXTENDED NORTH; THENCE SOUTH 00°44'45" WEST
ALONG SAID WEST BOUNDARY LINE EXTENDED NORTH FOR 163.00 FEET TO THE SOUTHWEST
CORNER OF SAID LOT 38; THENCE SOUTH 89°18'19" EAST ALONG THE SOUTH BOUNDARY LINE
OF SAID LOT 38 FOR 51.15 FEET; THENCE SOUTH 00°44'45" WEST FOR 860.19 FEET; THENCE
NORTH 89°19'40" WEST FOR 979.11 FEET TO THE SOUTHEAST CORNER OF LOT 22, BLOCK 9 OF
SAID CLEAR SKY ADDITION; THENCE NORTH 00°44'45" EAST ALONG THE EAST BOUNDARY LINE
OF SAID CLEAR SKY ADDITION FOR 82.87 FEET TO A POINT ON THE CENTERLINE OF FETTIG
DRIVE; THENCE SOUTH 89°26'44" EAST ALONG SAID CENTERLINE FOR 196.00 FEET TO A POINT
ON THE WEST BOUNDARY LINE OF LOT 51, BLOCK 1 OF SAID CLEAR SKY ADDITION; THENCE
SOUTH 00°44'45" WEST ALONG SAID WEST BOUNDARY LINE FOR 33.00 FEET TO THE
SOUTHWEST CORNER OF SAID LOT 51; THENCE SOUTH 89°26'44" EAST ALONG THE SOUTH
BOUNDARY LINE OF SAID LOT 51 FOR 130.60 FEET TO THE SOUTHEAST CORNER OF SAID LOT
51; THENCE NORTH 00°44'45" EAST ALONG THE EAST BOUNDARY LINE OF SAID CLEAR SKY
ADDITION FOR 270.8 FEET TO THE SOUTHWEST CORNER OF LOT 46, BLOCK 1 OF SAID CLEAR
SKY ADDITION; THENCE SOUTH 89°18'19" EAST ALONG THE SOUTH BOUNDARY LINE OF SAID
CLEAR SKY ADDITION FOR 163.00 FEET TO THE SOUTHEAST CORNER OF LOT 42, BLOCK 1 OF
SAID CLEAR SKY ADDITION; THENCE NORTH 00°44'45" EAST ALONG THE EAST BOUNDARY LINE
OF SAID LOT 42 AND EXTENDED NORTH FOR 163.00 FEET TO THE POINT OF BEGINNING, SAID
TRACT OF LAND CONTAINING 19.18 ACRES, MORE OR LESS.

SURVEYORS CERTIFICATE

I, ANDREA L. MARQUARDT, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE
OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND
SUPERVISION AND THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED
MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE
CORRECT.

ANDREA L. MARQUARDT,
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 4623

OWNERS CERTIFICATE AND DEDICATION

WE OF 94 INVESTMENTS, LLP AND FRF INVESTMENTS, LLP, BEING ALL THE OWNERS OF THE
LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY
VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED CLEAR SKY SECOND
ADDITION, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS
PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL, TO THE PROPERTY AS
SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE
REGISTERED LAND SURVEYOR IS CORRECT.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS
"UTILITY EASEMENT" TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATION AND/OR
OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED
HEREON.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS
"STORM SEWER EASEMENT" TO RUN WITH THE LAND FOR THE FREE AND UNOBSTRUCTED
FLOW OF WATER UNDER AND/OR OVER THOSE AREAS INCLUDING THE CONSTRUCTION AND
MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH NECESSARY APPURTENANCES.

WE ALSO DEDICATE TO THE BISMARCK PARKS AND RECREATION DISTRICT ALL EASEMENTS AS
SHOWN ON THIS PLAT AS "SHARED-USE TRAIL EASEMENT" TO RUN WITH THE LAND FOR THE
PURPOSE OF CONSTRUCTING, INSTALLING, MAINTAINING, AND REPAIRING A SHARED-USE
TRAIL OVER THE EASEMENT AREA, AND FOR THE USE OF THE PUBLIC.

MATT GEIGER
MANAGING PARTNER,
94 INVESTMENTS, LLP
6131 CAREFREE CIR.
BISMARCK, ND 58503
OWNER OF BLOCK 1, BLOCK 3, AND LOTS 2-4, BLOCK 4
CO-OWNER OF BLOCK 2 AND LOT 1, BLOCK 4

STATE OF _____
COUNTY OF _____, SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED
MATT GEIGER, KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE
WITHIN CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC, _____

MATT GEIGER
MANAGING PARTNER,
94 INVESTMENTS, LLP
6131 CAREFREE CIR.
BISMARCK, ND 58503
CO-OWNER OF BLOCK 2 AND LOT 1, BLOCK 4

STATE OF _____
COUNTY OF _____, SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED
MATT GEIGER, KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE
WITHIN CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC, _____

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING
AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE
DAY OF _____, 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH
DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIR ATTEST: DANIEL NAIEN - SECRETARY
=====

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS
APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS APPROVED THE
GROUND AS SHOWN ON THIS PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY
OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION AND REDEDICATION OF ALL
RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON AND DOES HEREBY VACATE ANY
PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH
DAKOTA, WAS APPROVED THE _____ DAY OF _____, 20____.

MICHAEL T. SCHMITZ - PRESIDENT ATTEST: JASON TOMANEK -
CITY ADMINISTRATOR
=====

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY
APPROVE THIS PLAT.

GABRIEL J. SCHELL - CITY ENGINEER

OWNERS:
94 INVESTMENTS, LLP
6131 CAREFREE CIRCLE
BISMARCK, ND 58503
FRF INVESTMENTS, LLP
6131 CAREFREE CIRCLE
BISMARCK, ND 58503

BASIS OF BEARING: NORTH BOUNDARY LINE OF THE SW1/4,
SECTION 6, T138N-R79W SOUTH 89° 18' 19" EAST.

NOTES:

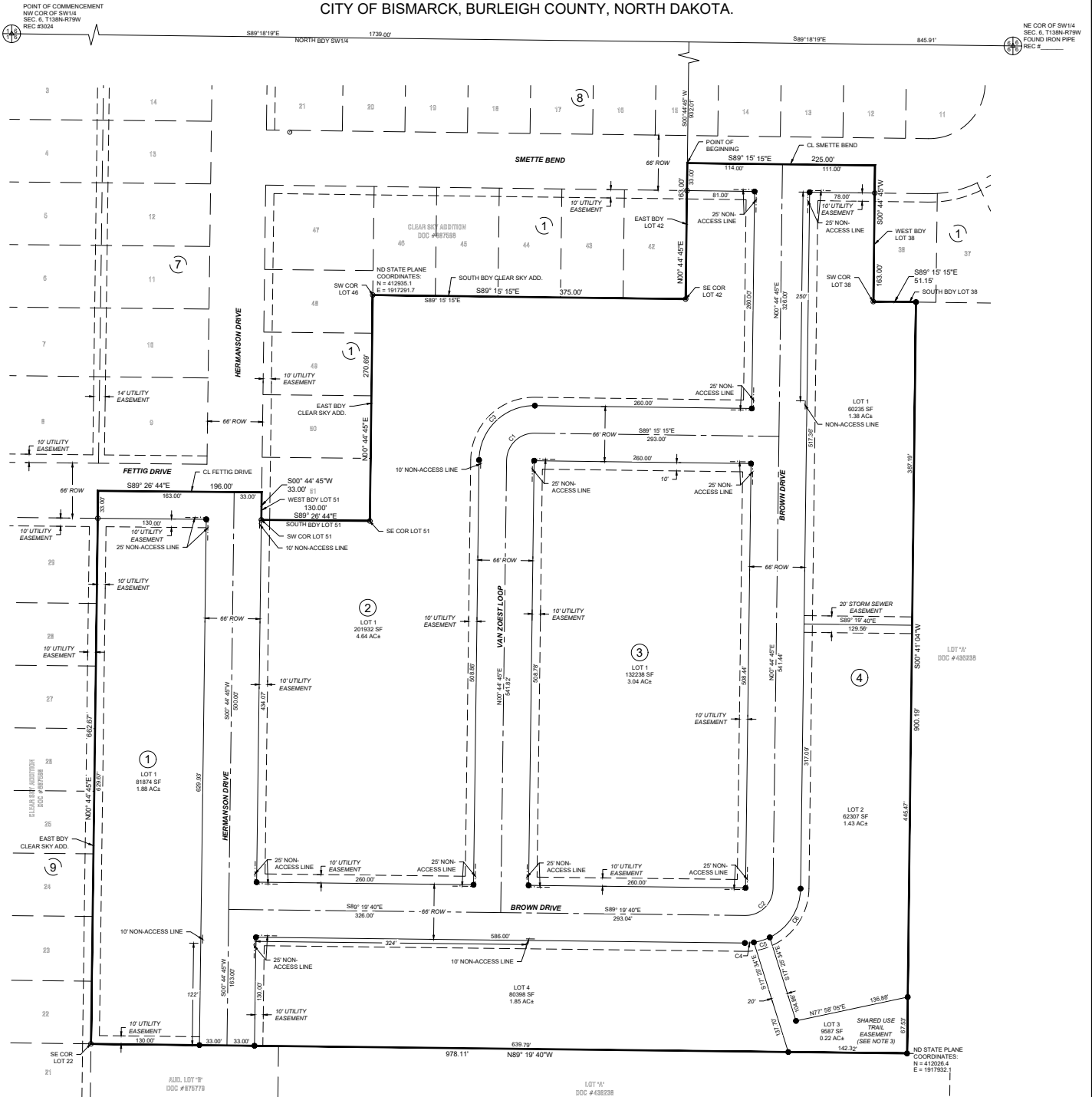
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS
DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF
FIELD MEASUREMENT.
- WATER TO BE PROVIDED BY THE CITY OF BISMARCK.
- LOT 3, BLOCK 4 IS A SHARED USE TRAIL EASEMENT IN
ENTIRETY.
- ALL EASEMENTS AND RIGHTS-OF-WAY WITHIN THE
BOUNDARY OF THIS SUBDIVISION ARE DEDICATED WITH
THIS SUBDIVISION. ALL EASEMENTS OR RIGHTS-OF-WAY
OUTSIDE THIS SUBDIVISION HAVE BEEN DEDICATED EITHER
BY THE ADJOINING PLATS OR OTHER DOCUMENTS.
- TOTAL LOT ACREAGE: 14.43 (628,573 SF)
TOTAL ROAD ACREAGE: 4.75 (206,812 SF)
TOTAL ACREAGE: 19.18 (835,385 SF)



TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
701-663-6483 * www.tomanengineering.com
SURVEYOR: ANDREA L. MARQUARDT, RLS-4623

CLEAR SKY SECOND ADDITION

ALL OF LOTS 39-41, BLOCK 1, AND PORTIONS OF FETTIG DRIVE AND SMETTE BEND, CLEAR SKY ADDITION, PART OF LOT "A" AND AUD. LOT "B," ALL WITHIN THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE 5TH P.M. OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.



MARCH 24, 2025

COORDINATE DATUM:
ND STATE PLANE COORDINATES NAD83
2011 ADJUSTMENT INTERNATIONAL FEET
VERTICAL DATUM NAVD83
DISTANCES SHOWN HAVE BEEN CONVERTED FROM
GRID TO GROUND DISTANCES USING A COMBINED
SCALE OF 1.000142854

LEGEND

- ▲ FOUND SECTION/QUARTER CORNER
- FOUND REBAR/CAP RLS-4623
- SET REBAR/CAP RLS-4623
- BOUNDARY LINE
- LOT LINE
- 1/16TH LINE
- - - EASEMENT LINE
- - - ADJACENT LOT LINE
- CENTERLINE
- - - NON-ACCESS LINE

CENTERLINE STREET CURVE TABLE				
CURVE #	DELTA	RADIUS	LENGTH	BEARING
C1	90°00'00"	33.00'	51.84'	N45°44'45"E
C2	89°59'59"	33.00'	51.79'	N45°42'32"E

LOTLINE CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C3	90°00'00"	66.00'	103.67'
C4	9°23'00"	66.00'	10.81'
C5	17°29'48"	66.00'	20.08'
C6	63°06'48"	66.00'	72.70'

OWNERS:
84 INVESTMENTS, LLP
6131 CAREFREE CIRCLE
BISMARCK, ND 58503
PSC INVESTMENTS, LLP
6131 CAREFREE CIRCLE
BISMARCK, ND 58503

BASE OF BEARING:
NORTH BOUNDARY LINE OF THE SW1/4,
SECTION 6, T138N-R79W SOUTH 89°18'19" EAST.

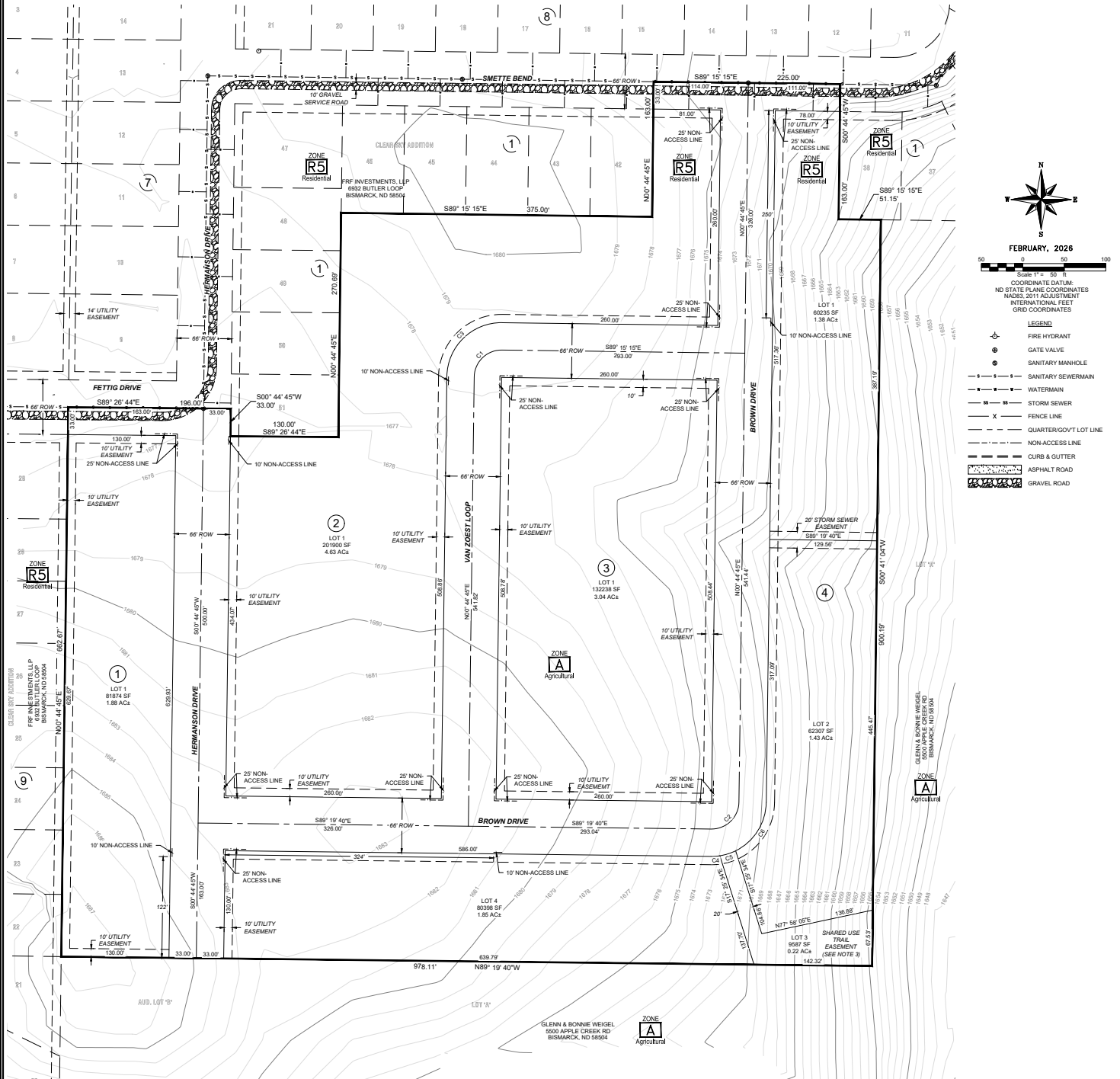
- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 - WATER TO BE PROVIDED BY THE CITY OF BISMARCK.
 - LOT 3, BLOCK 4 IS A SHARED USE TRAIL EASEMENT IN ENTIRETY.
 - ALL EASEMENTS AND RIGHTS-OF-WAY WITHIN THE BOUNDARY OF THIS SUBDIVISION ARE DEDICATED WITH THIS SUBDIVISION. ALL EASEMENTS OR RIGHTS-OF-WAY OUTSIDE THIS SUBDIVISION HAVE BEEN DEDICATED EITHER BY THE ADJOINING PLATS OR OTHER DOCUMENTS.
 - TOTAL LOT ACRES: 14.43 (628,573 SF)
TOTAL ROAD ACRES: 4.75 (206,812 SF)
TOTAL ACRES: 19.18 (835,385 SF)



TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
701-663-6483 * www.tomanengineering.com
SURVEYOR: ANDREA L. MARQUARDT, RLS-4623

PRELIMINARY PLAT CLEAR SKY SECOND ADDITION

ALL OF LOTS 39-41, BLOCK 1, AND PORTIONS OF FETTING DRIVE AND SMETTE BEND, CLEAR SKY ADDITION, PART OF LOT "A" AND AUD. LOT "B," ALL WITHIN THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE 5TH P.M. OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.



CURVE #	DELTA	RADIUS	LENGTH	CHORD
C1	90°00'00"	33.00'	51.34'	104°44'45"E 46.87'
C2	89°59'39"	33.00'	51.79'	104°42'30"E 46.84'

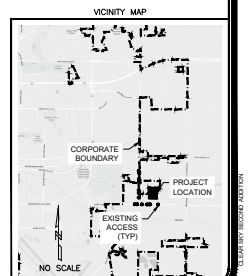
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C5	17°25'48"	66.00'	20.38'	
C6	63°00'45"	66.00'	72.70'	

OWNERS:
84 INVESTMENTS, LLP
8131 CAREFREE CIRCLE
BISMARCK, ND 58503

PRF INVESTMENTS, LLP
6632 BUTLER LOOP
BISMARCK, ND 58504

BASE OF BEARING: NORTH BOUNDARY LINE OF THE SW1/4, SECTION 6, T138N-R79W SOUTH 89° 18' 19" EAST.

- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 - WATER TO BE PROVIDED BY THE CITY OF BISMARCK.
 - LOT 3, BLOCK 4 IS A SHARED USE TRAIL EASEMENT IN ENTRITY.
 - TOTAL LOT ACREAGE: 14.43 (628,573 SF)
TOTAL ROAD ACREAGE: 4.78 (208,812 SF)
TOTAL ACREAGE: 19.18 (835,385 SF)



April 30, 2026

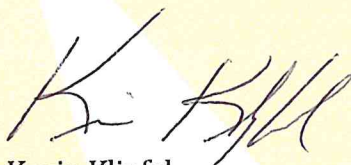
City of Bismarck Community Development
Daniel Nairn, Planning Director
221 N. 5th Street
Bismarck, ND 58501

Re: Waiver Letter for Clear Sky Second Addition

Dear Daniel:

This waiver letter is in reference to Clear Sky Second Addition. Because this plat is a continuation of the Clear Sky development, for which the developer has partnered with us to provide a neighborhood park, and because the developer has also provided a trail access lot from this second addition that will eventually connect to that neighborhood park, Bismarck Parks and Recreation District is granting a waiver of the Neighborhood Park and Open Space Policy for Clear Sky Second Addition.

We appreciate your continued partnership with the policy and your notice of this project moving forward. Please let me know if you have any questions.



Kevin Klipfel
Executive Director

A nationally accredited park and recreation agency.



City of Bismarck
Community Development Department
Planning Division
Phone: 701-355-1840 • FAX: 701-222-6450 • TDD: 711
PO Box 5503 • Bismarck, ND 58506-5503
planning@bismarcknd.gov

Last Revised: 05/14/2025

SUBDIVISION REQUIREMENTS/ STANDARDS WAIVER REQUEST

If any waivers from subdivision requirements/standards are being requested, this form must be completed and submitted in conjunction with the unified development application. ***This form cannot be used for amendments to the Major Street Plan or the Future Land Use Plan, or for written justification for the use of cul-de-sacs or private roadways.***

SUBDIVISION INFORMATION:

Name of Subdivision:

Clear Sky Second Addition

REQUESTED WAIVERS FROM SUBDIVISION REQUIREMENTS/STANDARDS:

☐ Ghost Platting

Reason for Request:

☐ Paving of Interior Roadways

Reason for Request:

☐ Maximum Block Length

Reason for Request:

☒ Minimum Lot Width/Area

Reason for Request:

Lot 3, Block 4 does not meet the lot width requirements for R5 zoning due to it being reserved as a shared use trail for the City of Bismarck Park District.

☐ Other (Specify)

Reason for Request:

☐ Other (Specify)

Reason for Request:

☐ Other (Specify)

Reason for Request:



Engineering Department

DATE: June 23, 2026

FROM: Gabe Schell, City Engineer

ITEM: Half-Cent Sales Tax for Roadways

REQUEST:

Consider the request to receive an update on the Half-Cent Sales Tax for Roadways.

STRATEGIC FOCUS AREA:

Infrastructure and Development: The City of Bismarck recognizes that robust, resilient, and forward-thinking infrastructure is fundamental to the community's well-being, economic vitality, and quality of life. As our city continues to grow and evolve, it is essential to develop and maintain facilities, systems, policies and practices that not only meet today's demands but also anticipate future needs.

Goal Two: Establish and implement sustainable funding strategies to support long-term infrastructure development and maintenance.

BACKGROUND INFORMATION:

The voters of Bismarck approved a home rule charter amendment extending the collection of the half-cent sales tax for roadway construction and reconstruction and updating the list of eligible projects. The Engineering Department's goal is to develop a Commission-approved methodology to prioritize, select, and advance projects for implementation.

The proposed methodology uses evaluation criteria with assigned weighting factors. Each eligible project would be scored against the weighted criteria to establish a prioritized project list. This prioritization would then be used to develop recommendations for Commission consideration. Draft evaluation criteria include connectivity, traffic operations, safety, pedestrian/bicycle/transit benefits, existing infrastructure deficiencies, implementation feasibility, and community benefit. A draft evaluation matrix and example scoring rubric are attached for review.

I am seeking initial feedback on the proposed criteria and weighting, with the intent of returning to the Commission on July 14, 2026, with each eligible project evaluated and scored using the approved methodology. At that time, I will also present policy recommendations regarding the partial use of special assessments for non-arterial roadway improvements.

The intent is to identify and select project(s) for further development and potential delivery beginning in 2027. The evaluation process is intended to provide an objective and transparent

framework for comparing eligible projects, however, the Commission will retain discretion in selecting projects for advancement.

RECOMMENDED CITY COMMISSION ACTION:

Review and approve methodology for implementation.

STAFF CONTACT INFORMATION:

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

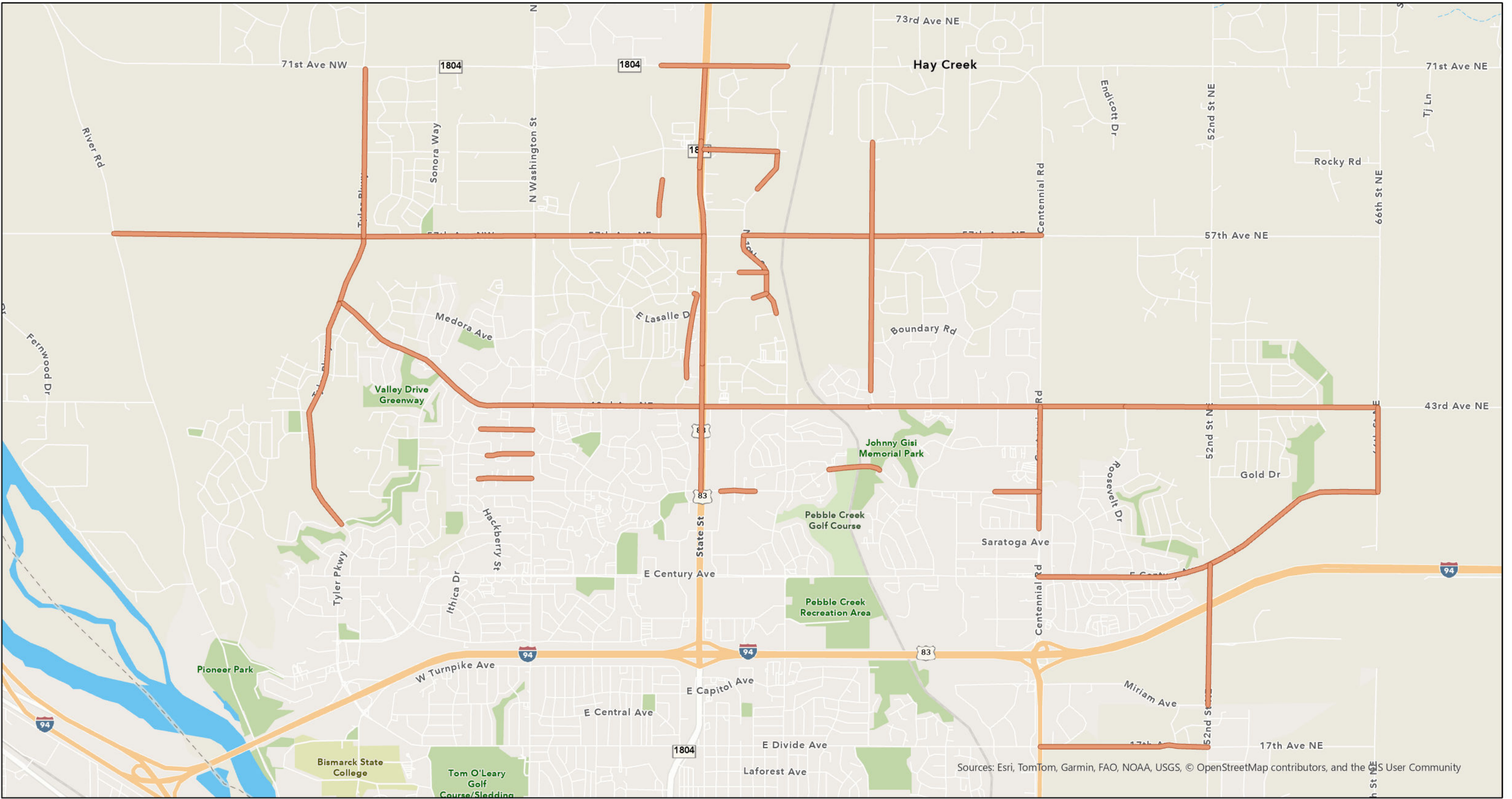
ATTACHMENTS:

1. Evaluation Matrix - DRAFT
2. Exhibit - north - 260615
3. Exhibit - south - 260615

Half Cent Sales Tax Evaluation Matrix - DRAFT 6/16/26

Criteria	Description	Weight	Example Score 1	Example Score 3	Example Score 5
Connectivity and network completion	Closes gaps, creates alternative routes for public and emergency services, supports planned growth and development	15%	Existing road, does not address deficiency (or there is no deficiency)	Converts existing rural roadway into final urbanized street section	Closes a significant gap in the transportation network, creates new route options for the public and emergency services, and supports planned growth and development.
Traffic Operations	Reduces congestion, improves intersection operations, improves traffic flow, addresses traffic control deficiency	15%	Does not address an operational deficiency.	Improves traffic flow, intersection operations, or network capacity	Significantly reduces congestion, improves intersection performance, or addresses a documented traffic control deficiency.
Safety	Addresses crash history, conflict points, emergency access, roadway deficiencies, or high-risk roadway conditions	20%	No measurable safety benefit	Improves roadway geometry, access management, visibility, lighting, or separation of users	Addresses documented crash patterns, high-risk roadway conditions, or significant emergency access deficiencies
Pedestrian/ Bicycle/ Transit Connectivity	Sidewalk and trail gaps, school and park access. Roadway serves or could serve transit network.	15%	No new pedestrian or bicycle facilities	Extends trail and pedestrian sidewalk network. Incremental network enhancement.	Closes a significant gap in the pedestrian, bicycle, or transit network and improves access to schools, parks, commercial areas, or other major destinations
Existing Infrastructure Deficiency	Existing pavement condition, gravel roadway, substandard geometry, drainage deficiencies	15%	Existing facility adequate	Existing facility requires moderate improvement or does not currently exist	Existing facility is in poor condition or substandard for current/future use
Implementation Feasibility	Ability to deliver project independently (right of way secured, utilities installed, sole jurisdiction of roadway, limited permitting)	10%	Significant ROW, utility, permitting, railroad, or jurisdictional obstacles	Some coordination challenges but project is achievable	ROW secured, utilities available, single jurisdiction, project can proceed independently
Community Benefit	Provides meaningful transportation benefits to the broader Bismarck community, including residents, businesses, schools, emergency services, and regional travel within the city	10%	Corporate limits not adjacent to corridor or serves commuter traffic. Primarily local or neighborhood access with limited broader benefit.	Most of roadway and adjacent properties are annexed into corporate limits. Serves multiple neighborhoods or supports important community destinations.	All of roadway and adjacent properties are annexed into corporate limits. Provides citywide mobility benefits or supports major community, commercial, emergency or regional travel needs.

100%

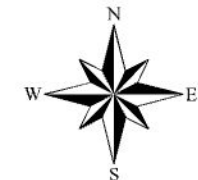
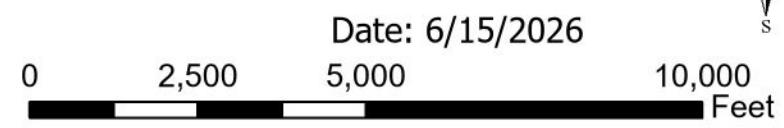


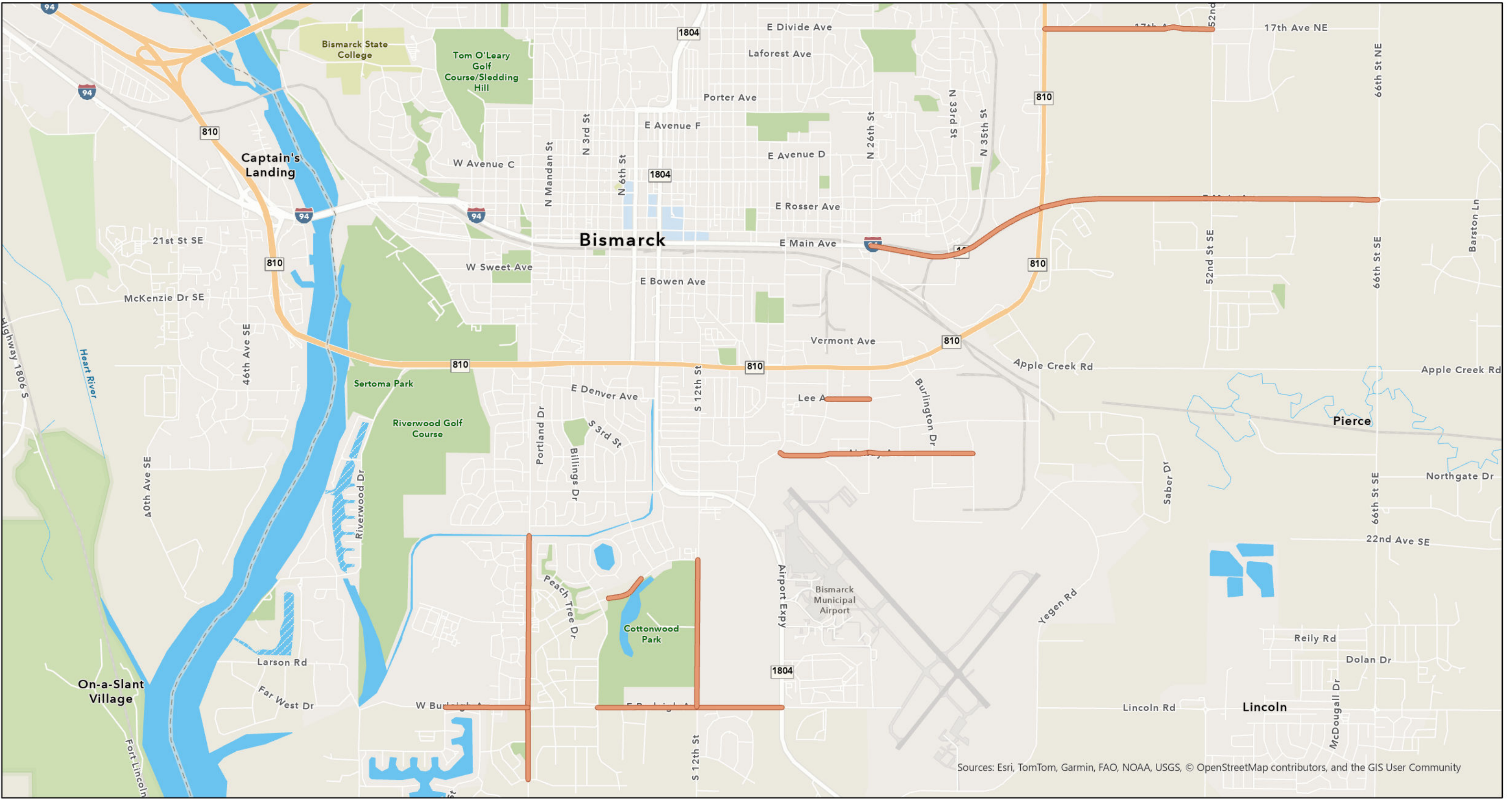
Half Cent Sales Tax Eligible Roadways

This data is for representation only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

Legend

Half Cent Sales Tax Project List



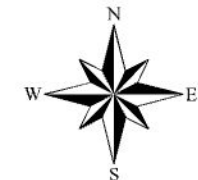
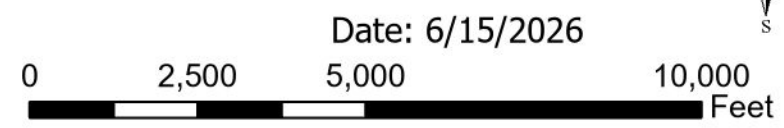


Half Cent Sales Tax Eligible Roadways

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Legend

Half Cent Sales Tax Project List





Administration Department

DATE: June 23, 2026

FROM: Jason Tomanek, City Administrator

ITEM: Bismarck's Red, White, & Boom 4th of July Celebration

REQUEST:

Receive a presentation from Will Satler with the Funatix Events relating to the second annual Red, White, & Boom 4th of July celebration at the MDU Resources Community Bowl.

STRATEGIC FOCUS AREA:

Desirable Lifestyle: The City of Bismarck is dedicated to cultivating a vibrant community where residents enjoy a high quality of life enriched by meaningful connections, cultural heritage, and accessible amenities. This strategic focus on Desirable Lifestyle emphasizes the importance of well-designed public spaces, strong community partnerships, and dynamic programming that engages people of all ages and backgrounds.

Goal One: Enhance the use of public and community spaces by fostering strategic partnerships, supporting thoughtful developing and expanding programming.

BACKGROUND INFORMATION:

2025 marked the first-ever 4th of July celebration at the MDU Resources Community Bowl. The event was successfully coordinated and managed by Funatix Events. Funds were raised by Funatix Events staff and through a collection of donations and grants from a variety of community stakeholders and businesses. The City of Bismarck has historically paid for the fireworks display as part of the 4th of July event. In 2026 the City of Bismarck will again be sponsoring the fireworks in addition to the general collection of entertainment and activities offered, free of charge, to the general public.

Will Satler with Funatix Events will provide an update on the planning and programmed events and activities scheduled for July 4, 2026 at the MDU Resources Community Bowl.

RECOMMENDED CITY COMMISSION ACTION:

Receive the update.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None

