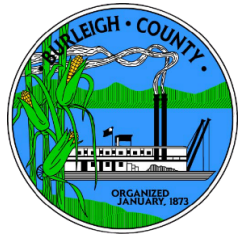




Lincoln, Fort Rice, Riverview, Florence Lake, Burnt Creek, Canfield, Lyman, & Phoenix
Unorganized Townships



Burleigh County Commission Meeting Agenda

Tom Baker Meeting Room, City/County Office Building, 221 N 5th St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

August 19, 2024

5:00 PM

Invocation and Pledge of Allegiance presented by Chaplain.

COUNTY WEED BOARD

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration of the August 5, 2024, meeting minutes.
5. Discussion of minute approval process.
6. Other business.
7. Adjourn.

COUNTY COMMISSION

1. Meeting called to order by the Chairman of the Board.
2. Roll call of members.
3. Approval of Agenda.
4. Consideration of the August 5, 2024, meeting minutes and bills.
5. Consent Agenda:
 - a. Abatements.
 - b. Applications for licenses, raffles, and special events permits.
 - c. 2025 City IT services Contract.
6. Bismarck City Planning Manager Daniel Nairn:
 - a. Bismarck Renaissance Zone program.
7. County Planner Flanagan:

- a. Consideration of special use permit appeal.
8. County Engineer Hall:
 - a. Developer waiver requests.
 - b. 2025 Highway budget clarification.
9. Sheriff Leben:
 - a. Burleigh East remodel update.
10. County Finance Director Jacobs.
 - a. Sales Tax Bond update.
11. Chairman Bitner:
 - a. Request to hold an executive session under North Dakota Century Code Section 44-04-19.1(9) regarding contract negotiation/negotiation strategy.
12. Other business.
13. Adjourn.

The next regularly scheduled Commission meeting will be on September 4, 2024.

Mark Splonskowski
Burleigh County Auditor/Treasurer

COUNTY

WEED

BOARD

**BURLEIGH COUNTY WEED BOARD
MEETING MINUTES
AUGUST 5, 2024**

5:00 P.M

Chairman Bakken called the Burleigh County Weed Board meeting to order.

A roll call of members: Commissioners Munson, Woodcox, Bitner, Schwab, and Chairman Bakken present.

Motion by Comm. Munson, 2nd by Comm. Bitner to approve the agenda. All members present voted, "AYE."
Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Munson to approve the July 1st, 2024 minutes and bills. All members present voted, "AYE." Motion carried.

Comm. Schwab gave the Board an update regarding the approval of County Weed Board bills. He stated that in the past the Weed Board would convene to approve bills, but due to the brevity of such meetings and the fact that bills are often paid before they are approved, he suggested that bills for the Weed Board should be brought to the County Commission for approval. Motion by Comm. Bitner, 2nd by Comm. Munson for Weed Board bills to be brought to the County Commission for approval. All members present voted, "AYE." Motion carried.

County Weed Director Daron Johnson was then introduced to the board. Comm. Woodcox asked how the weed spraying was going. Johnson stated that they were trying to address the issues from closer to Bismarck first, then working their way out. Comm. Munson asked how many contactors they had employed and how many trucks. Johnson stated they had one contractor who had two trucks working on the spraying. Chairman Bakken asked for a little background and how the spraying for other entities was going. Johnson stated he and his wife were from Morton County and moved to the Menoken area 17 years ago. He also said that the focus was on County roads since there wasn't enough season left to hit much more than specific spots.

Meeting adjourned.

Mark Splonskowski, Auditor/Treasurer

Steve Bakken, Chairman

COUNTY

COMMISSION

**BURLEIGH COUNTY COMMISSION
MEETING**

AUGUST 5TH, 2024

5:10 PM

Chairman Bitner called the regular meeting of the Burleigh County Commission to order.

Roll call of the members: Commissioners Woodcox, Munson, Schwab, Bakken, and Chairman Bitner were present.

Motion by Comm. Bakken, 2nd by Comm. Munson to approve the meeting agenda. All members present voted "AYE". Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bakken to approve the July 15th, 2024 meeting minutes and bills. All members present voted, "AYE". Motion carried.

The following abatements were presented for the Board's consideration; a complete copy of which are on file and available for inspection in the office of the Burleigh County Auditor/Treasurer.

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Bismarck Parks and Recreation District	2024	Lot 21, Block 8, Silver Ranch 3rd Addition	Property exempt from taxation	\$200	\$100
Todd Schimke	2023	Lots 1-2, Block 19, Fisher	50% Homestead Credit	\$254,400	\$154,400
Betty Baker	2023	Lot 8 & N 48' of Lot 9, Blk 22, Cliffords Subdivision	50% Homestead Credit	\$145,000	\$72,500

Motion by Comm. Woodcox, 2nd by Comm. Bakken to approve the Bismarck Parks and Rec, Todd Schimke, and Betty Baker abatements plus the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

Planning Director Flanagan presented to the Commission a zoning change for the Burleigh County Soil Conservation District, per the recommendation of the Burleigh County Planning Commission from their July 10th meeting. The area in question is located at 1107 NE 171st St in Menoken. Motion by Comm. Woodcox, 2nd by Comm. Munson to approve the zoning change. Comm. Woodcox, Bakken, and Bitner voted "AYE"; Comm. Munson and Schwab voted 'NAY'. Motion carried. Flanagan then presented an appeal of a special use permit denial for a corn maze. The main reason for the special use permit's denial was that there was no zoning ordinance that allowed for that special use permit to be applied to; Flanagan then showed the Commission a couple drafts of an agricultural tourism ordinance that could allow for a special use permit for this situation and others like it, and a discussion about expediting the process to get an agricultural tourism ordinance in place followed. Mary Podahl, representing Stall Farms and Balwin Greenhouse and Nursery (who are the ones appealing the denial), asked for clarity from the Commission about the appeal process and asked the Commission if the corn maze is okay to proceed based on current ordinances in place; the Commission did not provide an answer. Motion by Comm. Munson, 2nd by Comm. Bakken to ask Planning and Zoning Commission to accelerate the process of getting a special hearing about a proposed agricultural tourism ordinance. All members present voted "AYE". Motion carried. Motion by Comm. Munson, 2nd by Comm. Bakken to refund the appeal fee back to Stall Farms and Balwin Greenhouse and Nursery. All members present voted "AYE". Motion carried.

County Engineer Hall came forward and presented the Commission with some adjusted figures for the 2025 Highway Department budget. He presented the possibility of collecting the necessary funds for the 2025 budget from several sources. The Legacy funds, the Highway Dept. savings account, a General Fund Reserve transfer, sales of equipment, and Prairie Dog funds. He asked the Board for direction on how to proceed. Chairman Bitner expressed concerns about the General fund reserve transfer. Comm. Woodcox asked for clarification that the use of these different funds would ensure a zero mill levy increase to the Highway fund. Hall confirmed that that was true.

Sheriff Leben then came before the Commission and presented the quarterly jail report.

Auditor/Treasurer Splonskowski and County Finance Director Jacobs both stepped to the podium and asked for clarification of the intent of the Commission relating to the preliminary budget. Jacobs presented that the budgets within the General fund turned back \$4,721,000 to the General fund and therefore it should not be necessary to collect those extra funds in the 2025 budget. Chairman Bitner expressed the desire to not have a Property Tax increase in the County Portion. Motion by Comm. Munson, 2nd by Comm. Bakken to amend the Preliminary budget to levy \$21,805,080 in property taxes in the General Fund and to utilize \$4,802,392 in General fund reserves to fund the difference between the budgeted revenues and budgeted expenditures in the General Fund, and to levy 2,413,491 in property taxes in the County Road and Bridge fund and to use various non-property tax means to fund the difference between the budgeted revenues and budgeted expenditures in this fund as identified by the County Engineer. Splonskowski asked for clarification on the motion. He stated the resolution effectively said to levy the same dollar amount as last year, not the same mill levy, which would result in a mill levy decrease from last year because the value of a mil had increased, making less mills necessary to raise the same amount of funds. Chairman Bitner stated that that was the first time he had heard of that math. The Commission clarified that their intent was to not have a zero dollar increase in property tax collections. All members present voted "AYE". Motion carried.

County Finance Director Jacobs remained at the podium and gave an update about the sales tax bond escrow fund, and offered the Commission a resolution to have the state's attorney draft up an escrow agreement and have Morton County sign it (due to their involvement in the bond) After some further discussion, it was decided that contact with Morton County was needed to resolve the bond issue; motion by Comm. Bakken, 2nd by Comm. Munson. Comm. Schwab, Munson, Bakken, and Bitner voted "AYE"; Comm. Woodcox abstained. Motion carried. Jacobs then pivoted to discuss the Financial Statement Audit report, and after reading the details of the report recommended several changes/steps that could be taken to improve county finance operations. Motion by Comm. Bakken, 2nd by Comm. Munson to adopt Finance Director Jacobs' recommendations. All members present voted "AYE". Motion carried.

A discussion about the need for digitizing county records to relieve current storage space was then had amongst the commissioners, with the consensus being to have the department heads provide a summary of documents that would/could need digitizing by next meeting (hopefully). No further action was taken at this time.

County HR Director Binder then came up and talked about the Tyler Technologies HR module mentioned in previous meetings, presenting a proposal to the Commission to purchase the remaining HR module that the county does not have access to. Motion by Comm. Woodcox, 2nd by Comm. Bakken to approve and implement Director Binder's proposal. All members present voted "AYE". Motion carried. Binder then presented revamped job descriptions for the county finance director and deputy finance director. Motion by Comm. Woodcox, 2nd by Comm. Bakken to approve the revamped job descriptions. All members present voted "AYE". Motion carried.

Motion by Comm. Woodcox, 2nd by Comm. Bakken to have the voting order of the commissioners be on a rotating basis. All members present voted "AYE". Motion carried.

Meeting Adjourned.

Mark Splonskowski, County Auditor/Treasurer

Brian Bitner, Chairman

The following list of abatements and settlement of taxes is forwarded for action to the Burleigh County Commission:

Abate #	Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
24-648	Charles & Tina Erling	2023	Lot 21, Block 13, Eagle Crest 6th Addition	Error in property description	\$611,300	\$486,800
24-649	Charles & Tina Erling	2024	Lot 21, Block 13, Eagle Crest 6th Addition	Error in property description	\$588,600	\$464,100
24-650	Bismarck Parks and Recreation District	2024	Lot 32, Block 1, Promontory Point VII	Property exempt from taxation	\$27,100	\$15,800
24-651	Jacqueline K Haag	2024	Block 7, North Hills 1st, Auditors Lot 3116 & undivided interest in common area	Error in property description	\$312,900	\$295,500
24-654	David & Sandra Fix	2023	Lot 6, Block 2, Rolling Hills 1st	50% Homestead Credit	\$358,400	\$258,400
24-655	Eric Remyse	2024	Lot 7, Block 8, Dakota Breeze	Basement only studs as finish	\$327,100	\$299,200
24-656	Joseph & Bonnie Newman	2023	Block 19, Wachter's 3rd, Lot 5 Southwood Condo Unit II	50% Homestead Credit	\$154,800	\$77,400
24-657	Eugene & Joyce Baldwin	2023	Lots 3-4, Block 18, Fisher	100% Homestead Credit	\$227,200	\$27,200



LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
SFN 17926 (2-2023)

Permit Number
24-011

Permit Type (check one)							
<input checked="" type="checkbox"/> Local Permit				<input type="checkbox"/> Restricted Event Permit*			
Games Authorized				<input type="checkbox"/> Raffle by a Political or Legislative District Party			
<input checked="" type="checkbox"/> Bingo	<input checked="" type="checkbox"/> Raffle	<input type="checkbox"/> Raffle Board	<input type="checkbox"/> Calendar Raffle	<input type="checkbox"/> Sports Pool	<input type="checkbox"/> Poker*	<input type="checkbox"/> Twenty-One	<input type="checkbox"/> Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.
LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO	
Name of Organization or Group Sterling School TPA	Dates Authorized (Read Instruction 2) 9/29/24 and 12/12/24
Organization or Group Contact Person Tonya Bauer	E-mail [REDACTED]
	Telephone Number [REDACTED]
Mailing Address PO Box 68	City Sterling
	State ND
	ZIP Code 58572

SITE INFO			
Site Name Sterling Elementary School		County Burleigh	
Site Address 118 McKenzie St	City Sterling	State ND	ZIP Code 58572
If the city or county is placing restrictions on the permit, please explain			
Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)			
Bingo - 9/29/24 - one time			
Raffle - 12/12/24 - one time			

Permits must be issued prior to the 1st event date.

Local governing bodies please see the instructions on the backside of this form on how to complete the permit. Be certain to provide the organization or group with the "Information Required to be Preprinted on a Standard Raffle Ticket" found on the backside of this forms if a raffle is being conducted. If a "Restricted Event Permit" is being issued, either provide organization or group with SFN 52880 "Report on a Restricted Event Permit" or make them aware that the report must be filed with the city or county and the Office of Attorney General within 30 days after the event. Before approving a site location, ensure compliance with the gaming law below

Before approving a local permit or restricted event permit the local governing body should review North Dakota Century Code 53-06.1-03(3)(a) which states:

3. A licensed organization or organization that has a permit shall conduct games as follows:
- Only one licensed organization or organization that has a permit may conduct games at an authorized site on a day, except that a raffle may be conducted for a special occasion by another licensed organization or organization that has a permit when one of these conditions is met:
 - When the area for the raffle is physically separated from the area where games are conducted by the regular organization.
 - Upon request of the regular organization and with the approval of the alcoholic beverage establishment, the regular organization's license or permit is suspended for that specific time of day by the Attorney General.

Local governing bodies should also review North Dakota Administrative Code 99-01.3-01-05 (Permits) for the administrative rules governing permits. These rules may be viewed on the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/licensing-and-gaming/gaming/gaming-laws-rules-and-publications>

CITY OR COUNTY CONTACT PERSON

Name Mark Splonskowski	Title Burleigh County Auditor	Telephone Number 701-712-2887	E-mail Address msplonskowski@nd.gov
Signature of City or County Official		Date	Issuing Governing Body <input type="checkbox"/> City <input checked="" type="checkbox"/> County

City or County must submit a copy of the permit above to the Office of Attorney General within 14 days of issuance.



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

GAMING DIVISION

SFN 9338 (9-2023)

Applying for (check one)

Local Permit Restricted Event Permit*

Games to be conducted Raffle by a Political or Legislative District Party

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Sterling School TPA		Dates of Activity (Does not include dates for the sales of tickets) 9-29-24, 12/12/24	
Organization or Group Contact Person Tonya Bauer	E-mail [REDACTED]	Telephone Number [REDACTED]	
Business Address 118 McKenzie St	City Sterling	State ND	ZIP Code 58572
Mailing Address (if different) PO Box 68	City Sterling	State ND	ZIP Code 58572

SITE INFO

Site Name Sterling Elementary School	County Burleigh		
Site Physical Address 118 McKenzie St	City Sterling	State ND	ZIP Code 58572

Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)

Bingo - 9-29-24 - one time
Raffle - 12/12/24 - one time

PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
Bingo	Solicited Prizes	1500
Raffle	Beef Bundles	2500
Total (limit \$40,000 per year)		\$ 4,000⁰⁰

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)

Yes No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)

Yes No

Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)

No Yes - Total Retail Value: _____ (This amount is part of the total prize limit for \$40,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)

Yes No

Printed Name of Organization Group's Permit Organizer Tonya Bauer	Telephone Number [REDACTED]	E-mail Address [REDACTED]
Signature of Organization Group's Permit Organizer <i>Tonya Bauer</i>	Title Principal/Teacher	Date 8/1/24

All Items required for this Permit have been meet.

These Items are on file and can be seen upon request.

CITY OF BISMARCK, NORTH DAKOTA
And
BURLEIGH COUNTY, NORTH DAKOTA
INFORMATION TECHNOLOGY SERVICES AGREEMENT

ARTICLE 1
RECITALS AND INTENT

1.1 This Agreement (“Agreement”) is made by and between the City of Bismarck (“City”) and Burleigh County (“County”), acting by and through their duly authorized representatives, and is effective on the date stated herein.

1.2 The County has requested information technology support (“IT”) for the County and desires to engage City to provide certain IT services in connection with the work assigned (“Services”).

ARTICLE 2
CONTRACTUAL RELATIONSHIP

2.1 The County agrees to employ the City, and the City agrees to perform, as an independent contractor, certain professional services on an as-needed basis pursuant to County issued task or work orders in accordance with the project described therein, except for the County’s highway department, social services department, and weed officer.

2.2 This Agreement shall serve as the general agreement for IT services under the terms and amounts listed on attached Exhibit A.

2.3 The Services to be provided under this Agreement are intended to include services within the scope of City’s IT department education, training and experience. At times, solutions may require the services beyond the scope of what the City provides. If there is an additional charge for this type of assistance, written notice will be provided to the County with the approval of the County Auditor before those services are engaged for vendors outside the City.

2.4 City shall comply with all applicable laws, rules and regulations governing all Services and any projects authorized by this Agreement.

ARTICLE 3
THE COUNTY’S RESPONSIBILITIES

3.1 The County shall provide to City all its criteria and requirements for any Project and all available information pertinent to the Project including previous reports. City may reasonably rely upon such information. County’s use of the hardware, software and network services under this agreement will follow all software agreements and user policies that City determines are necessary and communicated to County in order to comply with all agreements with third parties and for security measures for IT services. Any additional costs for software that requires a separate agreement with the County will be County’s responsibility. In order to prioritize and assign tasks as appropriate, all requests for IT services by County must be provided through SysAid. Large projects and upgrades should be provided to City in advance of each calendar year. If the upgrade or new software requires a large amount of staff time (i.e. 20 hours or more) or resources, County will be informed of that additional cost and time needed to complete those services.

The County is responsible for financing any hardware and software updates or upgrades that are required to maintain cybersecurity, network security, maintain warranty, and comply with IT policies and requirements. The City requires all hardware and software to be under warranty or under a software maintenance agreement. As a result, the City will not be able to troubleshoot any software or hardware that is out of warranty or does not comply with City policies and requirements.

All computer IT equipment must be approved by the City IT before purchase. This includes all software and hardware, including monitors, phones, tablets, laptops, or other hardware and software applications. If County purchases an unapproved device, the City may not be able to troubleshoot or maintain that software or hardware.

3.2 The County shall arrange for access to and make all provisions for City to enter upon public and private property as required for City to perform Services under this Agreement.

3.3 The County will examine City's studies, reports, sketches, drawings, specifications, proposals and other information submitted by City, consult with others as County deems appropriate, and render timely written approvals and decisions to the City. No new projects, major upgrades or hardware/software purchases will be supported by City unless those are approved by City Information Technology Department prior to purchase. If a purchase is done outside of this process, it or any hardware on which it runs will not be allowed to connect to the City's infrastructure nor hold the City responsible for supporting this with City staff, including network services. Purchases by County should be planned in advance and communicated to City to ensure proper resources are available. Exhibit A reflects the current server and use capacity. If more services or server space is needed for County, they will be required to pay for that additional need. If County's unauthorized purchase causes damage to the network or otherwise requires City to remedy any damage from a virus or unauthorized purchase, the County will pay the costs to return the system back to the same functionality prior to the unauthorized purchase. County is aware that the services under this Contract are for maintenance and support for existing IT needs. Any upgrades or new systems would need to be approved in advance by City with timeframes and personnel needs planned through the City's process and information technology governance council (ITGC), whose description and process is attached in Exhibit B. City usually makes those plans in advance of the beginning of each calendar year for the entire year.

3.4 The County shall give prompt written notice to City whenever County becomes aware of any development that affects the scope or timing of City's Services or of any defect or nonconformance in the Services of the City or work of the Contractor. In addition, the County shall notify the City of any employee separations/terminations immediately in order to avoid cybersecurity risk.

ARTICLE 4 PROFESSIONAL'S COMPENSATION

4.1 Invoices for Services performed under a task order may be submitted to County by City quarterly. Invoices will be due and payable within thirty (30) days after receipt.

4.2 No statement, term or provision in any invoice, bill or statement submitted to County by City will be construed to waive, amend or modify any term or provision of this Agreement.

ARTICLE 5 INDEMNIFICATION AND INSURANCE

5.1 The parties will indemnify, defend and hold harmless the other party, its directors, officers, agents and employees against claims, demands or causes of action; and all costs, losses, liabilities, expenses and judgments incurred in connection therewith, including attorneys' fees and court costs, brought by any other third party, based upon, in connection with, resulting from, arising out of, or occasioned by the acts, omissions or conduct of the party, its officers, agents, or employees in the execution or performance of this Agreement.

5.2 The parties shall each obtain and maintain, throughout the term of the Agreement, General Liability insurance with a limit of not less than \$1,000,000 general aggregate.

ARTICLE 6 DURATION, EXTENSION AND TERMINATION

6.1 This agreement shall be for a term of one (1) year and shall be eligible to renew for additional terms of one (1) year annually upon the written agreement of both parties. Time is of the essence in the performance of this Agreement.

6.2 This agreement may be terminated by either party for cause if either party fails substantially to perform through no fault of the other and does not commence correction of such non-performance within fifteen (15) business days of written notice and diligently complete the correction thereafter. Upon delivery of such notice, the City shall, unless the notice states otherwise, immediately discontinue all Services, proceed to cancel promptly all existing orders and

contracts insofar as such orders or contracts are chargeable to the Services, and deliver to the County all instruments of service produced under this Agreement. Upon termination, the County will owe the City for all compensation earned under this Agreement to date of termination, without termination expenses.

ARTICLE 7
MISCELLANEOUS

7.1 This Agreement shall be effective upon its execution by the City and the County, and shall remain in full force until all obligations under this Agreement have been fulfilled, unless sooner terminated as provided herein.

7.2 This Agreement shall be construed and enforced for all purposes pursuant to the laws of the State of North Dakota. Venue shall be exclusively in the state courts of proper jurisdiction of Burleigh County, North Dakota.

7.3 This Agreement is non-assignable. Neither the City nor the County shall assign, sublet or transfer its interest in this Agreement without the prior written consent of the other.

7.4 This Agreement represents the entire agreement between the City and the County with respect to the subject matter hereof and supersedes and merges all prior negotiations, representations, discussions or agreements, either written or oral, with respect to the subject matter hereof.

7.5 This Agreement may be amended only by written instrument signed by duly authorized representatives of both the City and the County. The County's payment of invoices or statements shall not be deemed as the County's acceptance of any term or provision that amends or modifies this Agreement or the task order under which payment is made.

7.7 No consent or waiver, express or implied, by either party to this Agreement, to or of any breach of default by the other in the performance of any obligations under this Agreement shall be deemed or construed to be a consent or waiver to or of any other or future breach or default by such party. Failure on the part of any party to this Agreement to complain of any act or failure to act of the other party or to declare the other party in default hereunder, irrespective of how long such failure continues, shall not constitute a waiver of the rights of such party hereunder.

7.8 If a provision of this Agreement, or the application thereof to any person or circumstances, is rendered or declared illegal for any reason or shall be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby, but shall be enforced to the greatest extent permitted by applicable law. The parties agree to negotiate in good faith for a proper amendment to this Agreement in the event any provision hereof is declared illegal, invalid or unenforceable.

7.9 All notices required or permitted hereunder shall be in writing and shall be deemed delivered three (3) days after deposit with the United States Postal Service, certified mail, return receipt requested, addressed to the respective other party at the addresses shown below:

If to City: Dmitriy Chernyak, Finance Director
 dchernyak@bismarcknd.gov
 PO Box 5503
 Bismarck, ND 58502-5503

If to County: Mary Senger, IT Director
 msenger@nd.gov
 PO Box 5518
 Bismarck, ND 58506-5518

7.10 The headings and captions used in this Agreement are for convenience only and shall not affect in any way the meaning or interpretations of the provisions set forth herein.

7.11 This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

IN WITNESS WHEREOF, this Agreement is hereby executed as of the last date set forth below.

COUNTY OF BURLEIGH, NORTH DAKOTA

By: _____ Date: _____
Brian Bitner, County Commission Chairperson

ATTEST:

APPROVED AS TO FORM:

County Auditor

State's Attorney

CITY OF BISMARCK, NORTH DAKOTA

By: _____ Date: _____
Michael Schmitz, President City Commission

ATTEST:

APPROVED AS TO FORM:

City Administrator

City Attorney

City of Bismarck
 Billing for IT Service to Burleigh County - Exhibit A
 For Calendar Year 2025

Note: ALL requests for services MUST be submitted through SysAid and/or ITGC

	2023	2024	2025
Annual Service Charges			
IT Services - Minimum Charge (Cost per Device)	\$ 118,191	\$ 135,802	\$ 143,950
Cybersecurity Initiative (ClearPass, Aruba Central, etc.)	9,500	10,165	10,673
Equipment Use Allocation	2,500	2,675	2,809
Total Annual Service Charges	<u>130,191</u>	<u>148,642</u>	<u>157,432</u>
Continuous Annual Costs			
Microsoft Licensing Costs (Microsoft SQL, Windows, Server, and RDS Licensing)	\$ -	\$ -	\$ -
AS400 CPU Time (Continue)	475	-	-
WAN Access Charge / Fiber Costs (Annual)	5,325	5,698	5,983
Network Infrastructure Costs (Annual)	1,279	1,368	1,437
Total Continuous Annual Costs	<u>5,800</u>	<u>5,698</u>	<u>5,983</u>
Total Costs to County (excluding on-call and variable license costs)	<u><u>\$ 135,991</u></u>	<u><u>\$ 154,339</u></u>	<u><u>\$ 163,414</u></u>
Services Outside of Regular Work Schedule (8am - 5pm) / On-Call			
Minimum 2-hour charge for on-call (after hours)	\$ 170	\$ 196	\$ 208
Hourly overtime charge (after minimum 2-hour charge)	\$ 85	\$ 98	\$ 104

Note: The City of Bismarck is no longer providing Microsoft Office licensing for Burleigh County based on Burleigh County decision.

ITEM

6



MEMORANDUM

Renaissance Zone Reauthorization and Development Plan

TO: Brian Bitner, Chair of Burleigh County Commission

FROM: Daniel Nairn, AICP, Planning Manager

DATE: August 14, 2024

The Bismarck Renaissance Zone Authority like to request support for a 5-year reauthorization of Bismarck’s Renaissance Program, approval of a Renaissance Zone Development Plan, and consideration of appointment of a Burleigh County commissioner to the Renaissance Zone Authority.

Bismarck City Commission unanimously approved amendments to the Renaissance Zone Development Plan and a 5-year extension of the program on July 9, 2024. Support from all of the taxing entities will be necessary to continue the program beyond January 4, 2025.

Burleigh County Commission voted to support a 1-year extension of the Renaissance Zone on December 4, 2023, requesting changes to the Development Plan prior to given a longer term of support. The Renaissance Zone Authority has made changes to the program by amending the Development Plan, and now requests a 5-year extension of the program. A draft of the new Development is attached to this memo.

Among the changes is to provide a greater opportunity for all political subdivisions to participate. In particular, Burleigh County Commission could appoint one of its members to sit on the Renaissance Zone Authority. The Renaissance Zone Authority meets monthly to recommend new projects and also administer downtown design review. Secondly, approval of Burleigh County would be required before making any changes to the Renaissance Zone Development plan, which establishes the guidelines and boundary for the program. The Development Plan also adjusts the exemption values to meet a request made by Burleigh County Commission.





CITY OF BISMARCK RENAISSANCE ZONE DEVELOPMENT PLAN

Submitted by the Bismarck
Renaissance Zone Authority

JUNE 13, 2024

City of Bismarck Renaissance Zone Development Plan

Revision History

Revision Type	Date of City Commission Approval
Original Document	November 22, 2000
Revisions	March 30, 2001
Revisions	November 13, 2003
Revisions	September 28, 2004
Revisions	April 10, 2007
Major Revisions	June 12, 2012
Boundary Modification	June 1, 2013
5-Year Extension Request	April 20, 2016
5-Year Extension Request	July 11, 2017
Revisions	August 14, 2018
Boundary Modification	May 28, 2019
Revisions	November 26, 2019
Revisions	December 22, 2020
Boundary Modification and Revisions	May 24, 2022
Major Revisions	July 9, 2024

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Appendices

Appendix A: Memorandum of Agreement between City and State for Continuation of Program

Appendix B: Map of Renaissance Zone Boundaries

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Appendix G: Evidence of Community Support

A. Introduction

This Development Plan for the Bismarck Renaissance Zone is adopted pursuant to Chapter 40-63 of the North Dakota Century Code for the purpose of governing the City's Renaissance Zone program. This Plan establishes the current Renaissance Zone boundary, provides a description of the physical assets within the Renaissance Zone, sets goals and objectives for the program, outlines project types and criteria for approval, describes activities for management, promotion, and development of the program, and provides evidence of community support for Bismarck's Renaissance Zone program.

This Development Plan was originally adopted by the Bismarck Board of City Commissioners on November 22, 2000 and approved by the North Dakota Department of Commerce – Division of Community Services (DCS) in May of 2001. The plan has been amended on a number of occasions to revise program guidelines, adjust the boundary of the Renaissance Zone, and authorize an extension of the program in accordance with state law. A Memorandum of Agreement between the City and State for the continuation of the Bismarck Renaissance Program through January 3, 2025 is included as Attachment A.

The Renaissance Zone program provides tax exemptions and credits to both residents and businesses for revitalization and redevelopment activities within the Renaissance Zone boundaries. The Renaissance Zone is both a local and statewide program that provides both property tax and income tax incentives to property and business owners who invest in qualified projects.

This plan has been submitted by the Renaissance Zone Authority and approved by the Bismarck Board of City Commissioners:

Renaissance Zone Authority

Jim Christianson, Chair

Joe Fink, Vice Chair

Greg Zenker, City Commissioner

Dustin Gawrylow, Member

Kirsten Dvorak, Member

Nancy Guy, Member

Wayne Munsen, Member

David Witham, Design Advisor

Eric Hoffer, Design Advisor

Board of City Commissioners

Mike Schmitz, Mayor

Anne Cleary

Steve Marquardt

Michael Connelly

Greg Zenker

B. Definitions

The following terms are defined here for use within this Renaissance Zone Development Plan:

Authority: Renaissance Zone Authority.

Baseline Value: the Current Taxable Value of the property at the time of project application, as set by City Assessing and approved by the State Board of Equalization, unless adjusted according to criteria of this Plan.

Capital Improvements: All capital expenses of the project, including the cost incurred for the repair, replacement or renovation of a building's exterior, roof, structure, electrical and/or plumbing systems, heating/ventilation/air conditioning systems, windows, exterior doors, elevator improvements and accessibility. The Authority may also consider other improvements that are a permanent and integral to the building, as well as site improvements needed to correct drainage problems that have resulted in damage to the building. Improvements to infrastructure or utility services outside of a building and improvements that are unique to a specific use and/or unlikely to be of use to future occupants of a building shall not be considered Capital Improvements.

City: City of Bismarck, North Dakota, public and corporate.

City Commission: Bismarck Board of City Commissioners.

Current Taxable Value: True and full taxable value of a project's parcel(s), including both land and improvements, most recently set by the City of Bismarck and recognized by the North Dakota Board of Equalization.

DCS: The State of North Dakota's Department of Commerce Division of Community Services.

Final Improvement Value: the taxable value of the property, as set by City Assessing and approved by the State Board of Equalization, in the first year after Project Completion.

Historic Building: Any building contributing to an historic district on the National Register of Historic Places, individually listed on the National Register of Historic Places, or greater than 50 years in age and deemed historic by the Authority.

Increment Value: The difference between Baseline Value and Final Improvement Value of a project.

Plan: City of Bismarck's Renaissance Zone Development Plan, unless otherwise referenced.

Political Subdivision(s): Collectively plural, singularly each of its own, City of Bismarck, Burleigh County, Bismarck Public Schools, and Bismarck Park District.

Project Completion: Issuance of a Letter of Final Approval by DCS to the City, which is forwarded to the applicant. City staff will deem a project complete if the initial scope of work presented to the City Commission, including any conditions attached to the approval, is completed and all necessary permits, such as a certificate of occupancy, are granted for the primary occupancy of the building. It is not necessary for all commercial lease spaces to be built-out and occupied prior to Project Completion.

Staff: City of Bismarck's Community Development Department - Planning Division.

Single-Family Dwelling: A single-family detached home, townhouse, single unit in a duplex, or a condominium.

Tentative Approval: Issuance of a Letter of Tentative Approval by DCS to the City, which is forwarded to the applicant. Projects are tentatively approved once initial review by the City and DCS is completed and the project construction may commence.

C. Description of Bismarck's Renaissance Zone

1. Downtown Bismarck

Bismarck's downtown area is located in the center of the community and within one-half mile of the State Capitol to the north and Kirkwood Mall (a regional shopping center) to the south. The downtown is well connected by roads, with Washington Street, 7th Street, and 9th Street serving as the main north-south routes linking downtown with Interstate 94 and the Bismarck Municipal Airport. Rosser Avenue, Main Avenue, Broadway Avenue and Front Avenue serve as the main east-west routes linking downtown to the Dakota Zoo and recreation areas along the Missouri River.

The downtown also hosts many important civic institutions, including the federal and county courthouses, the City and County Office Building, The Bismarck Veterans Memorial Library, the Camp Hancock State Historic Site, as well as the City-owned Event Center and Belle Mehus Auditorium. Although not directly within the downtown or Renaissance Zone, the major medical providers for the region are adjacent to the downtown to the east.

While Bismarck has been fortunate in the fact that its downtown has not had the level of deterioration that many downtowns have seen over the years, the City recognizes that its involvement is needed to ensure the continued viability of the downtown. Starting with the development of the Central Business District Plan in 1993 and continuing through the 2013 Downtown Bismarck Subarea Plan, a variety of projects and programs have worked together to stimulate new development in the downtown area and maintain the vitality of the heart of the community. Particularly since the establishment of the Renaissance Zone in 2001, the City has seen a significant investment in the core of the community and this investment is expected to continue with on-going participation in the program.

The City utilizes two distinct zoning districts within the downtown area, the DC – Downtown Core District and DF – Downtown Fringe District. Many, but not all, of the properties within the Renaissance Zone are located within these districts. The purpose of the downtown zoning districts is to preserve and enhance the mixed-use, pedestrian-oriented nature of the City's downtown area. The two zoning districts allow a wide range of mutually supportive uses in order to enhance downtown Bismarck's role as a commercial, cultural, governmental, health/medical, entertainment and residential center. The districts also facilitate the creation of a strong and distinctive sense of place through the inclusion of open space and public plazas.

All development within these downtown zoning districts is subject to a design review process, which is currently under the purview of the Authority. The use of the 2015 Downtown Design Guidelines helps to maintain the historical integrity, enhance the quality of design, and preserve the human-scale development of downtown Bismarck.

2. History of the Bismarck Renaissance Zone Program

The Bismarck Renaissance Zone has been in effect for over fifteen years, and several noteworthy changes and events have occurred since the inception of the program.

a. Origins of the Renaissance Zone Program

In February 2000, the City Commission created a Renaissance Zone Advisory Committee to consider the establishment of a Renaissance Zone in Bismarck. Over the course of eight months, the Committee held meetings to identify an area that would most benefit from being included in the Zone. Initially, the Committee examined an area extending from 26th Street on the east to the western corporate limits, including several blocks north and south of Main Avenue. After further discussion, an inventory of properties and a survey of property owners, the Committee concluded that the Zone should be located in the downtown area. As in most communities, Bismarck’s downtown area has been impacted by commercial development on the periphery of the city. While property values in the downtown area had remained relatively steady, the number of vacant buildings was on the rise.

The program formally began with the approval by the North Dakota DCS in May of 2001. The first projects received hearings and were selected by the Authority and the City Commission approximately one year later. The effects of the Renaissance Zone program, in terms of rising property values, started to occur by 2004, shortly after the first projects were completed and in place.

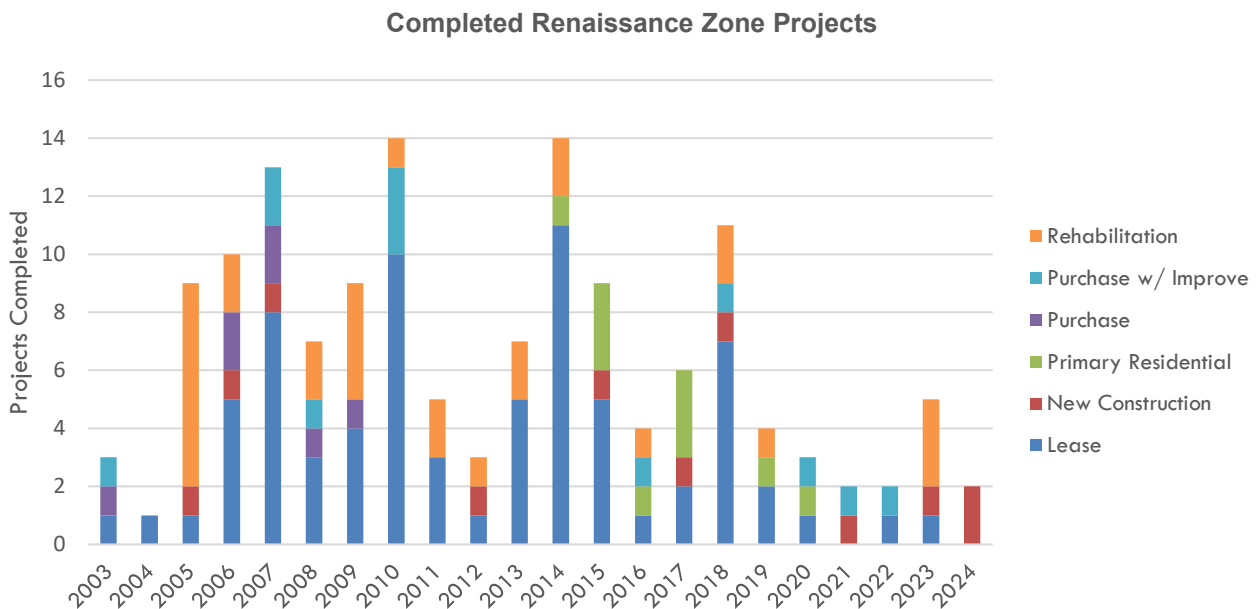


Figure 1: Completed Projects by Type and by Year

b. Modifications to the Renaissance Zone Boundaries

The boundaries of the Renaissance Zone have changed on a number of occasions. The original Renaissance Zone from 2001 encompassed 21½ blocks in the downtown area of the community. The Renaissance Zone was expanded by 11 blocks in November 2003 and by another three blocks in February 2008.

During the 2009 state legislative assembly, communities were allowed to remove blocks that had been determined “complete” or “non-progressing” and relocate the block elsewhere within the contiguous boundary. In June 2013 the boundary of the Renaissance Zone was modified to remove four blocks that were deemed complete and to include four new blocks of property. Each modification was made in accordance with Chapter 40-63 of the North Dakota Century Code.

The 2015 Legislature passed a bill to allow communities to increase the maximum number of blocks contained in the Renaissance Zone. After outreach and consideration, the Authority determined the additional blocks allowed by this change to the enabling legislation would not be implemented at that time. The Authority added one additional block in 2017 between Main Avenue and the railroad tracks and west of North 1st Street. This area is a portion of a city block that is within the DC – Downtown Core zoning district but was omitted from the Zone in the initial Plan.

After engaging in outreach with property owners, including interest letters, an open house, and a public hearing, eight additional blocks were added in 2019. One block was deemed completed.

In 2021, the Authority opted to create a Boundary Modification Plan and offer advanced notice to property owners regarding blocks proposed for expansion or completion. In November 2021, property owners within several existing blocks were notified of potential completion, and the Authority held a public hearing in May 2022. During this hearing, three blocks were completed and one block was added. Taking into account provisions for half blocks, the total amount of blocks uses was reduced to 41.5.

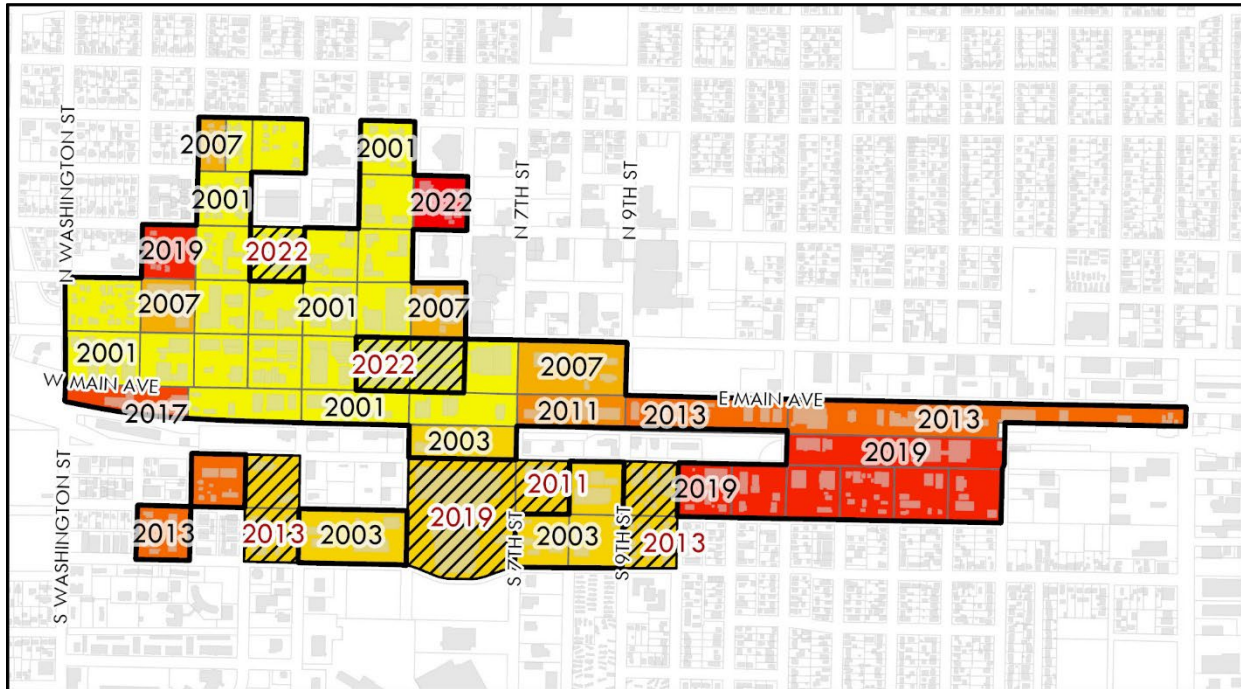


Figure 1: Modifications of Boundary. Year added in **black**; Year completed in **red**

c. Extension of the Renaissance Zone Program

After 21 years of operation, the Bismarck Renaissance Zone was discontinued on August 1, 2022 due to a lack of community support provided by all required political subdivisions. Projects were underway or completed during this period, but no new applications were reviewed by the Authority. State law was amended to allow municipalities with discontinued Renaissance Zones to be reinstated in the same manner as initial adoption. The necessary community support was received from all political subdivisions to reinstate the program in December of 2023, with commitments to make certain changes to this Plan and Bismarck City Code of Ordinances.

The Bismarck Renaissance Zone Program was reinstated on January 4, 2024 and began soliciting new projects again upon completion of an agreement between the City and the DCS, which is attached as Appendix A.

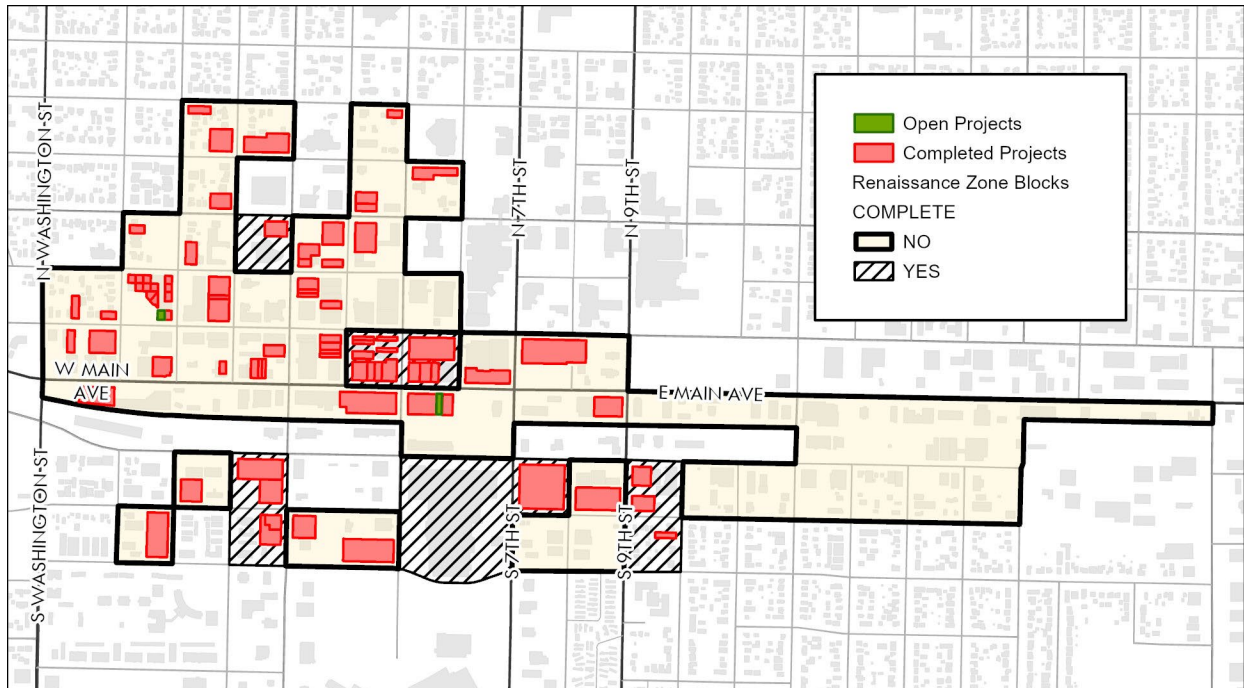


Figure 2: Open or Completed and Approved Renaissance Zone Projects

3. Property Descriptions

Descriptions of properties/structures on each block in the Renaissance Zone, along with the present uses and conditions, is attached as Appendix C. The Renaissance Zone includes both commercial and residential properties.

4. Geographic Boundaries and Blocks of the Renaissance Zone

The current Renaissance Zone map has been attached as Appendix B. The current boundaries are legally described as:

- Blocks 13, 15, 16, 21, and 24, Northern Pacific Addition
- Blocks 2, 4, 6, 8, 10, 12, 13, 16, 19, 28, 30, 37, 40, 42, 44, 49, 50, 51, 52, 54, 56, 58, 59, 60, 62, 64, 65, 66, 67, 68, 73, 75, 84, 104, 106, , 110, 112, 116, 122, and 124 Original Plat
- Block 25, Northern Pacific Second Addition
- Blocks 17-20, Sturgis Addition
- Blocks 29, 31, and 33, Williams Survey Addition
- Tracts along the south side of Main Avenue between South 9th Street and Airport Road in Williams Survey, Sturgis Addition and Governor Pierce Addition

- Tracts bounded by East Front Avenue, South 12th Street, BNSF railroad tracks, and the east line of Auditors Lot 1600 of Section 3, Township 138 North, Range 80 West, all within Sturgis Addition.

Blocks identified by just a number are original blocks from 2001; blocks identified by a number and the letter “A” are blocks added in 2003 or relocated in 2013; blocks identified by a number and the letter “B” are blocks added in 2007; the block identified by a number and the letter “C” was added in 2011 when a block originally added in 2003 was deemed complete, removed from the boundary and relocated within the contiguous Renaissance Zone boundary; the block identified by a number and letter “D” was added in 2017, the blocks identified by a number and the letter “E” were added in 2019, and the block identified by a number and the letter “F” was added in 2022.

For the purposes of calculating the total allotment of blocks permitted, several of the blocks within the Renaissance Zone shall be considered half blocks because of the presence of government-owned buildings. Blocks 9, 13, 19, 22, 23, 3B, and 8E are considered half blocks. Blocks 1 and 1B are named independently to account for when the blocks were added, but they constitute one block together.

5. Description of Assets within the Renaissance Zone

Many of the blocks comprising the Renaissance Zone contain historically significant structures. In February 2000, the *Historical Architectural Inventory and Evaluation of Downtown Bismarck, North Dakota* report was completed. The report contains an extensive evaluation of any area within downtown Bismarck as a historical district, and the Downtown Bismarck Historic District was formally designated on the National Register of Historic Places in 2001.

Attractive natural features are also present in some of the blocks, particularly the County Courthouse and Camp Hancock landscaped areas. It is the intent of the Plan to promote the growth and redevelopment of the downtown area through, among other strategies, the preservation and improvement of such assets.

D. Goals and Objectives of the Renaissance Zone Program

1. Goals and Objectives

The goals and objectives of the Renaissance Zone program are intended to guide project selection, as well as all policies, procedures, and marketing related to the Renaissance Zone program.

The goals and objectives were set by the Renaissance Zone Advisory Committee in preparation of the original Plan in 2000. These were based on outreach and surveys, as well as input from the committee, and they have been reaffirmed with minor updates over time, as needed.

- a. Establish the Renaissance Zone as the center of business life, government and cultural opportunity for the Bismarck region.
 - i. Maintain the Zone as a mixed-use area accommodating a wide range of retail, governmental, service and residential functions.
 - ii. Promote continued support for redevelopment activities in the Zone.
 - iii. Promote and advocate activities and programs that meet the needs of varied age, interest, and socioeconomic groups at all times of the day and night and throughout the year.
 - iv. Create centrally located public open spaces in the Zone for cultural events and gathering spaces.
 - v. Create an organized system of open spaces and linkages to provide a framework for the Zone.
 - vi. Locate major cultural facilities such as the library, theater and the like in the Zone.
 - vii. Create an identity for the Zone through consistent and complementary design practices as outlined in the Downtown Design Guidelines (2015) for the DC-Downtown Core and DF-Downtown Fringe zoning districts.
- b. Promote the Renaissance Zone as the preferred location for hotel, class A office buildings, specialty retail, government and institutional uses.
 - i. Examine the possibility of providing incentives, such as financing for new development. Public/private joint ventures and other unique approaches to redevelopment should be encouraged.
 - ii. Identify unique businesses, events, and other attractions that may be feasible in the Zone.

- iii. Encourage the location of governmental, financial institutions and other service functions in the Zone.
- c. Maximize accessibility of the Renaissance Zone from throughout the region and provide safe, convenient, and attractive circulation within the zone.
 - i. Provide adequate and convenient on- and off-street parking for all uses within the Zone, while minimizing the overall amount of land dedicated solely to parking when possible.
 - ii. Provide adequate and convenient traffic circulation in and around the Zone without disadvantaging its role as a destination point.
 - iii. Provide for safe, comfortable surface and second level pedestrian circulation within the Zone.
 - iv. Continue to explore opportunities for second level pedestrian walkways throughout the Zone.
 - v. Provide for multi-modal access to and within the Zone such as bicycle connections and parking as well as public transportation access.
- d. Arrange compatible land uses in compact and orderly ways to enhance the functions of the Renaissance Zone.
 - i. Reinforce emerging entertainment, medical, office/service and retail districts with compatible land uses.
 - ii. Concentrate redevelopment in the Zone.
 - iii. New office and retail space should be concentrated around existing buildings.
 - iv. Any new construction, including parking structures, should include street level retail and service uses.
 - v. Encourage redevelopment of the upper levels of existing buildings as residential apartments and lofts and identify sites for new Multifamily Residential.
 - vi. Plan for the expansion of major institutional facilities in an orderly manner to minimize the impact on existing land uses.
- e. Encourage a zone that upholds Bismarck's heritage as well as recognizes and takes advantage of its pattern of development.
 - i. Develop strategies for public and private financing of improvements.
 - ii. Identify potential developers and adaptive reuses for historically significant buildings.

- iii. Promote historic and unique buildings to potential tenants and tourists.
 - iv. Encourage redevelopment that is within the provisions of the DC-Downtown Core and DF-Downtown Fringe zoning districts and the Downtown Design Guidelines (2015)
- f. Achieve high quality in the design and visual appearance of the Renaissance Zone.
- i. Create a Zone framework that establishes urban, architectural, site design and signage guidelines that reinforce the unique, positive aspects of Bismarck's history and architecture.
 - ii. Utilize the following plans as the framework from which to base redevelopment decisions:
 - Together 2045 Comprehensive Plan (2022)
 - Renaissance Zone Development Plan
 - Historic Architectural Inventory and Evaluation of Downtown Bismarck, North Dakota (2000)
 - DC-Downtown Core and DF-Downtown Fringe Zoning Regulations (2006 and subsequent revisions)
 - Downtown Bismarck Subarea Plan (2013)
 - Downtown Design Guidelines (2015)
 - Infill and Redevelopment Plan (2017)
 - Downtown Streetscape Standards (2021)
 - iii. Preserve the integrity of the City's architectural and open space landmarks including the Burleigh County Courthouse, historic Northern Pacific train depot, Belle Mehus City Auditorium, World War Memorial Building and the Patterson Hotel.
 - iv. Continue the implementation of a cohesive system of streetscape treatments that reinforce a sense of human scale and balance between pedestrian and automobile space.
 - v. Continue to encourage public art in the downtown streetscape and public spaces that contributes to Bismarck's unique character and sense of place.
 - vi. Continue efforts to promote compliance with the landscaping and screening ordinance and the overall greening of downtown through cooperative efforts with the City Forester and private property owners to increase vegetation within the Zone.

- g. Promote the Renaissance Zone as a location for increased housing opportunities.
 - i. Promote the Renaissance Zone as a location for new housing opportunities within the community.
 - ii. Continue public outreach and educational efforts to publicize the use of the Renaissance Zone Program for housing projects, including presentations to organizations such as the Bismarck-Mandan Apartment Association, Bismarck-Mandan Board of Realtors, engineering and architectural firms, the IDEA Center, Small Business Association, title companies and financial lenders.
 - iii. Continue to support the creation of market-rate rental housing and owner-occupied housing choices to create balance in the downtown housing market, as well as housing at different levels of affordability to ensure that downtown is a home for all.
 - iv. Maintain a safe and attractive environment for downtown residents.
 - v. Maintain the existing infrastructure and support improvements as needed to support an increased downtown population.
 - vi. Support the continuation of existing retail and the establishment of new retail and service businesses that would bolster a downtown neighborhood, including a marketplace that offers basic food commodities including dairy products, fresh produce and general grocery items.

2. Concurrence with Comprehensive Plan

The Renaissance Zone program is intended to provide a benefit to the entire community, and not just the businesses, residents, and property owners working and living within the Renaissance Zone boundary. In this respect, the goals and objectives of this Plan may be seen as supporting the broader plans of the City, as well as Burleigh County.

The City Commission adopted the Together 2045 Comprehensive Plan on December 27, 2022. The following goals and objective of this plan are relevant to the performance of the Renaissance Zone program:

- Encourage excellence and innovation in local architecture, particularly in areas of high visibility such as downtown, and along major corridors (S2d)
- Increase efficiency of urban land use to maximize public investment in infrastructure and services thereby reducing cost for tax and ratepayers (S4a)
- Embrace the unique role of downtown in the social and economic life of the community (S7)

- Allow older buildings to be adaptively reused for new purposes while still protecting life and safety through application of the existing building code (S9b)
- Apply urban design practices promoted in this plan to establish developments that add value, rather than detract from, their surroundings (G1a)
- Encourage additional housing in the center of the community to support activity and eyes on the street for the majority of the day and night (G1d)
- Provide financial investments and other incentives to revitalize older and potentially disinvested areas of the city, identified as CORE areas on the Growth Phasing Plan (G8d)

3. Targeted Properties

Properties and structures have been identified to be targeted as potential Renaissance Zone projects. A Needs Assessment was completed in 2016 to identify potential new Renaissance Zone projects. This document is attached as Appendix D.

4. Evaluation of Milestones and Benchmarks

The Renaissance Zone program is evaluated periodically to ensure adherence to program goals and objectives. Data is collected to provide a quantitative basis for the evaluation, recognizing that less tangible qualitative goals, such as community pride and high-quality design, should also be considered in an overall evaluation.

The Authority conducted a Return on Investment Evaluation in 2020, which is attached as Appendix E. This section of the Plan summarizes and updates these findings, as well as other relevant metrics.

- The Renaissance Zone program has encouraged private investment in the zone. From the first completed project (2004) to present, a total of 143 projects have been completed in the City adding \$108,062,977 in documented private investment to the downtown area.
- The Renaissance Zone program has spurred job creation. 610.25 full-time equivalent new jobs have been created by the participating businesses.
- The Renaissance Zone program has positively contributed to the property tax base for the City, County, Schools and Parks. After several years of stagnant or declining value, the assessed value of property in the Renaissance Zone increased by approximately 6.7% per year between 2005 and 2020. On average, the cost of the property tax incentive for rehabilitation Renaissance Zone projects

in Bismarck has been recouped within two years and three months after the property re-enters the tax rolls.

- The Renaissance Zone program has helped nurture entrepreneurship. Many projects have been small-scale rehabilitations or leases for new businesses – the median value of the rehabilitation projects has been \$491,295 in investment. A thriving business start-up culture has emerged with regular meetings held in downtown venues.
- The Renaissance Zone program has facilitated high-quality design. Although Downtown Design Review requirements are applied by ordinance regardless of participation in the Renaissance Zone program, property owners have expressed anecdotally that the incentives available have enabled them to use higher-quality design than would otherwise be feasible.
- The Renaissance Zone program has provided housing opportunities downtown. New housing construction was an early goal of the program, but success was slow at first. Only 47 new housing units were created between 2004 and 2017. In 2017, a total of 492 housing units were counted in a survey of the Downtown Core and Downtown Fringe areas. Since this time, a total of 203 housing units have been created through four separate Renaissance Zone projects. All buildings are completed and now occupied.
- The Renaissance Zone program has reduced blight and deteriorated conditions. Several prominent new construction and rehabilitation Renaissance Zone projects have involved the removal of serious blighted conditions that were imposing a negative effect on surrounding properties and the Renaissance Zone as a whole.
- The Renaissance Zone has supported efficient use of public infrastructure. All of the aforementioned private investment utilizes roads, water, sewer, and stormwater infrastructure that is already in place, allowing the City to optimize revenue relative to public cost.

E. Administration and Management of the Renaissance Zone Program

The Renaissance Zone program will be administered according to standards and guidelines established in this Plan, along with state law and guidance from the State Division of Community Development and the Office of State Tax Commissioner.

1. Project Review and Selection Process

Each proposed Renaissance Zone project will be reviewed by the Authority according to the criteria established in this Plan. The review process will be used as a way to screen those projects qualifying for designation as a Renaissance Zone project.

a. Project Consultation and Application

Interested property owners or tenants are encouraged to contact staff for consultation before submitting an application. Applications, including supporting documents and an application fee to be set by the City Commission, are submitted to the Community Development Department.

If it is determined by Staff that the application is complete and the proposed project generally meets the requirements for a Renaissance Zone project of the proposed type, a public hearing will be scheduled before the Authority at their next regularly scheduled meeting. A Staff report detailing the project will be prepared for the Authority along with a Staff recommendation for action. The Staff report identifies the goals and objectives met by the project to determine the public benefit. A notice of the hearing will typically be placed in the official city newspaper once each week for two consecutive weeks prior to the hearing. A notice of hearing will typically also be sent to all property owners within 350 feet of the proposed project at least 10 days prior to the public hearing. Failure to adhere to these notice requirements does not invalidate any action conducted at the hearing.

b. Public Hearing with the Authority

Public hearings for projects will be conducted according to standard procedures and protocol, adopted by the Authority. Staff provides background information regarding the request as well as a recommendation, and the Chair of the Authority opens the public hearing. The applicant or applicant's representative may make an oral presentation to the Authority. Other interested parties may also make oral presentations either supporting or opposing the application. In order to expedite the hearing process, it is suggested that any written materials and/or comments be submitted to the Community Development Department – Planning Division prior to the hearing. Following the hearing, the Authority will

either continue deliberations to a future meeting or make a recommendation on the proposed project to the City Commission.

The Authority may, at their discretion, add conditions to any recommended approval. Unless stated otherwise, any conditions of an approval must be met prior to completion of a project. The Authority may also adjust the percentage of a property tax exemption for any Renaissance Zone project if and only if the project meets all minimum state requirements for project approval.

c. Final Action by the Board of City Commissioners

A recommendation from the Authority will be placed on the next available agenda of the City Commission. Staff will present the Authority recommendation to the City Commission, who will have final City approval authority for all Renaissance Zone projects. Upon approval of a Renaissance Zone project by the City Commission, the project must also be approved or tentatively approved by DCS.

d. Project Implementation and Completion

Staff will continue to work with the applicant to ensure the project is completed as proposed and that all required documentation is submitted. Any material change to an approved Renaissance Zone project, including changes to building materials, building elevations or site design, must be approved by the Authority prior to implementation. Staff may grant minor alterations to a project scope upon request, as long as all program guidelines will still clearly be met and the alteration would not substantively change the outward appearance of the project.

Unless stated otherwise as a condition of project approval, all Renaissance Zone projects must be completed within 18 months of the date indicated within the project's Tentative Approval. The recipient of the Renaissance Zone project may request an extension of this deadline, and the Authority is authorized to grant any extension to a date certain for good reason. It is the recipients' responsibility to request an extension.

After Project Completion, Staff will administer an exit survey to the applicant, with the purpose of evaluating the Renaissance Zone process and the degree to which the final investment decisions were influenced by the Renaissance Zone program. The results will be recorded and made available to the general public.

2. Minimum Criteria for Project Selection

In order to qualify for consideration as a Renaissance Zone project, a project proposal must meet the following criteria. It should be noted that the project selection criteria for the City are above and beyond what is required by the State. Projects will not be

accepted merely on the grounds that state Renaissance Zone eligibility standards are met. The intent of the criteria is to encourage and reward significant levels of investment in properties and incentivize projects that create positive benefits for the entire community.

a. Minimum Criteria for All Projects

- i. The project and resulting use are consistent with the goals and objectives of this Plan.
- ii. The project is within the current boundary of the Bismarck Renaissance Zone.
- iii. The property or lease space has not received Renaissance Zone funding in the past. However, a lease of space within a building rehabilitated or constructed through a previous Renaissance Zone project and the rehabilitation of a property within which a previous lease Renaissance Zone project has been completed may be eligible.
- iv. All construction and renovation activities associated with a Renaissance Zone project must comply with all building code and zoning code requirements, including Downtown Design Review if the property is within the DC - Downtown Core or DF – Downtown Fringe zoning districts.
- v. The Authority may also apply Downtown Design Review, based on the Downtown Design Guidelines, in their review of Renaissance Zone projects that are outside of the DC - Downtown Core or DF – Downtown Fringe zoning districts.
- vi. The applicant for a Renaissance Zone project has satisfied all state and local tax obligations and tax liens of record for taxes owed to North Dakota or a political subdivision thereof, as required by NDCC § 54-35-26, at the time of application.
- vii. All required state forms, such as the Certificate of Good Standing, are completed and submitted before final approval.

b. Rehabilitation Projects

Rehabilitation projects are any rehabilitation of an existing building, whether commercial or residential. Projects that involve the demolition and reconstruction of a portion of a building may also be considered rehabilitation projects, as long as the overall footprint of the building is not increased. All rehabilitation projects must meet the following standards:

- i. Tentative Approval is secured before start of construction. No work completed prior to Tentative Approval of the project may be included in the total investment required to qualify .

- ii. Exterior rehabilitation is sufficient to eliminate any and all deteriorated conditions visible on the exterior of the building.
- iii. Projects include a level of Capital Improvement totaling not less than **fifty percent (50%)** of its Current Taxable Value for a parcel which is primarily commercial in nature and a level of Capital Improvement not less than **twenty percent (20%)** of its Current Taxable Value for a Single-Family Residence.

Single-Family Residence Rehabilitation

**Capital Improvement
(percent of Current Taxable
Value)**

Property Tax Exemption

Less than 20%	0%
20% to less than 25%	20%
25% to less than 30%	40%
30% to less than 35%	60%
35% to less than 40%	80%
40% or greater	100%

- iv. Additionally, commercial projects include a minimum Capital Improvement of **\$40 per square foot** or **\$30 per square foot** for Multifamily Residential projects based on the square footage of the entire building, including partial floors such as mezzanines but excluding basements unoccupied or used only for storage and any unoccupied penthouse space. The minimum Capital Improvement for mixed-use projects is determined by a weighted average of the proportion of residential and commercial area to the total building area. For example, a project that is 80% commercial and 20% residential would require \$38 per square foot in investment. The same investment may be counted toward both the percentage and the square footage standards, and whichever standard is higher shall apply. The Authority may waive this provision for good reason.
- v. Additionally, Single-Family Residence projects include a minimum investment of **\$25 per square foot** in capital investment based on the square footage of the entire building, excluding unfinished basements. The same investment may be counted toward both the percentage and the square footage standards, and whichever standard is higher shall apply. The Authority may waive this provision for good reason.

- vi. Projects involving the rehabilitation of a Single-Family Residence or condominium must be the primary residence of the owner. Homeowners who occupy a portion of a duplex or townhome may be considered single-family for the purposes of this program. Verification of a person's primary residence is accomplished with a self-certification statement on the application form.
- vii. Projects that include a historic preservation and restoration activity must also be reviewed and approved by the State Historical Society, according to additional statewide criteria, in order to be eligible for additional tax credits.

c. New Construction Projects

New Construction projects are the construction of any new commercial and/or residential building or any addition to an existing commercial and/or residential building. New Construction projects must meet the following standards:

- i. Tentative approval by the DCS is secured before start of construction. No work completed prior to tentative approval of the project may be counted toward the required levels of investment.
- ii. New Construction projects include a minimum investment of **\$150 per square foot** for commercial projects or **\$100 per square foot** for residential projects in Capital Improvement based on the square footage of all floor area of the entire building. The minimum investment for mixed-use projects is determined by a weighted average of the proportion of residential and commercial area to the total building area. For example, a project that is 80% commercial and 20% residential would require \$140 per square foot in investment. The Authority may waive this provision for good reason.
- iii. In order to be eligible for a state income tax exemption for the property owner of any newly-constructed Single-Family Residential property, including condominiums, the owner must be the primary occupant of the residential unit. Verification of a person's primary residence would be accomplished with a self-certification statement on the application form.
- iv. New construction of accessory buildings is generally not eligible, with the exception of new accessory dwelling units to Single-Family Residential parcels.

d. Purchase with Improvement Projects

Purchase with Improvement projects are the transfer of property to a new owner with significant Capital Improvement of that property. Purchase with Improvement projects must meet the following standards:

- i. Tentative Approval is secured before the property is transferred to the new owner.
- ii. Projects are eligible for a benefit based on the level of investment as a percentage of the Current Taxable Value according to the following table. The Authority has the discretion to deviate from these guidelines on a case-by-case basis if specific building condition and/or other project specific factors warrant.

Capital Improvement (percent of assessed value)	Property Tax Exemption
Less than 10%	0%
10% to less than 20%	40%
20% to less than 35%	60%
35% to less than 50%	80%
50% or greater	100%

By state guidelines, the total amount of Capital Improvement must exceed 50% of the Current Taxable Value to qualify for an income tax exemption.

e. Commercial Lease Projects

Commercial Lease projects are the lease and occupation of a commercial space within a building by a non-owner tenant that meets the following standards:

- i. The tenant is a new or expanding business moving into the Renaissance Zone, an existing business expanding within the Renaissance Zone, or the continuation of a lease by an existing Renaissance Zone tenant in a building rehabilitated as an approved Renaissance Zone project.
- ii. Tentative Approval is secured before the occupation of the lease space and start of business by the tenant.
- iii. If the leased space is within a building previously rehabilitated or constructed as an approved Renaissance Zone project, no minimum level of Capital Improvement is required. Otherwise, the following additional standards must be met:
 - a. The lease project includes a minimum investment of \$40 per square foot in Capital Improvement or permanent cosmetic improvements based on the square footage of the entire lease space.

- b. The building within which the lease project is proposed does not contain any known structural deficiencies or deteriorated conditions visible on the exterior of the building that may compromise the investment made in the lease space. The Authority may require an inspection or owner's affidavit if there is reason to believe such deficiencies may exist.

f. Utility Infrastructure Projects

Utility infrastructure projects are Rehabilitation, New Construction, or Purchase with Improvements projects that include rehabilitation of public infrastructure, including the burying of utility lines, as a component of the project.

- i. The utility rehabilitation must be proposed by a regulated public utility that includes, but is not limited to, electrical, gas and communications, for the purpose of rehabilitating infrastructure in the Renaissance Zone or burying existing utility lines. It does not apply to utility infrastructure that a property owner pays special assessments to the City for a specified period of time such as water, sewer or pavement improvements.
- ii. A minimum of 80% of the total project investment must be used toward Capital Improvement to the building. The total project investment must meet the established minimum investment criteria for the type of project specified.
- iii. Staff will monitor all public infrastructure projects through on-site building inspections conducted in conjunction with the rehabilitation projects. Additionally, all Renaissance Zone project costs and expenses must be verified prior to the submittal of final project documentation to DCS.
- iv. Applicants for public infrastructure projects are eligible to receive the same benefits as other approved Renaissance Zone projects, as outlined in the following section.
- v. City agrees to work with the State Board of Equalization to determine the property tax exemption for utility projects.

3. Project Benefits

Qualified projects approved by the City Commission and DCS are entitled to receive the benefits as outlined herein, unless adjusted to a lower amount by the City Commission during the project review process.

- a. Income Tax Exemption

All approved projects may receive an exemption from state income tax derived from the property for a period of five years, beginning on the month a project achieves Project Completion. Property owners claim the income tax exemption annually through use of proper forms submitted with their returns. Income tax exemptions are not administered or tracked by the City, and detailed conditions and procedures are set by the North Dakota Office of State Tax Commissioner.

b. Property Tax Exemption

All approved projects receive an exemption from a portion of property taxes assessed to the project's parcel(s) for a period of five years after Project Completion. The City wishes to exercise the option allowed by State law to grant partial Renaissance Zone tax exemptions.

The Bismarck Assessing Department registers the property tax exemption upon Project Completion, with no further action from the applicant necessary. Property tax assessments are applied annually. Projects that are deemed complete by February 1 will begin the five-year exemption period on that tax year. Project deemed complete after February 1 will begin the five-year exemption period on the following tax year.

The value of the property tax exemption for each project is determined through the following steps.

- i. Baseline Value of the property is determined during initial project review by the Authority and City Commission. By default, the Baseline Value is the Current Taxable Value of the property at the time of project application, as set by City Assessing and approved by the State Board of Equalization. Notwithstanding, Baseline Value may be adjusted by the Authority and City Commission to account for any complete or partial demolition of the property's current improvements proposed in the scope of work or recently completed. The extent of adjustment made should be based on the following considerations:
 - a. Demolition of Historic Buildings should be discouraged.
 - b. Demolition of buildings presenting a hazard to public safety, clear blighting impact, or other evidence of poor condition should not be discouraged.
 - c. The Authority may utilize previous years of Taxable Value to account for recent demolitions reflected in the Current Taxable Value.

- ii. Final Improvement Value of the property will be estimated during initial project review based on the proposed scope of work and project costs submitted by the applicant, and this estimate will be reported to the Authority and City Commission. The actual Final Improvement Value will not be known until the tax assessment following Project Completion.
- iii. Increment Value is the difference between Baseline Value and Final Improvement Value of a project.
- iv. The total value of the property tax exemption granted through the Renaissance Zone will be the taxes derived from the entire Increment Value. Baseline Value will remain fully taxable throughout the five-year exemption period for all Political Subdivisions.

4. Administrative Roles and Responsibilities

Certain roles and responsibilities for administration of the Renaissance Zone program are assigned to various parties. Administration and management of the Bismarck Renaissance Zone program will be conducted by an appointed Authority and Staff under the authority of the City Commission.

a. Renaissance Zone Authority

The Authority is an advisory body to the City Commission given the role of establishing and revising program guidelines and reviewing all applications and/or proposals for Renaissance Zone approval. The Authority is comprised of nine voting members and two non-voting design advisors, described as follows:

- One voting member of the City Commission, appointed by the City Commission.
- Five voting at-large members appointed by the City Mayor and approved by the City Commission
- One voting member of the Burleigh County Commission, appointed by the Burleigh County Commission
- One voting member of Bismarck Public Schools Board, appointed by the Bismarck Public Schools Board
- One voting member of the Bismarck Park Board, appointed by the Bismarck Park Board.
- Two non-voting design advisors appointed by the voting members of the Authority.

The appointments of at-large members are staggered with a term of three years. The appointments of members of boards and commissions run concurrent with

that appointed member's term with that Political Subdivision, unless that board or commission selects an alternative appointee.

In the case that the County, School Board, or Park Board choose not to appoint a member to the Authority, the City Commission shall have the option to appoint an additional at-large member for a three-year term. That board may again choose to appoint a member upon expiration of the term of the at-large member appointed by the City Commission in this manner.

The Authority will hold regular monthly meetings to hear and discuss applications and proposed projects. In addition to project selection, the Authority is tasked with reviewing and revising, as necessary, program requirements and guidelines, participating in the promotion and marketing of the program, and directing Staff to prepare revisions to this Plan.

The Authority is governed according to adopted bylaws which are attached as Appendix F.

b. City of Bismarck Staff

Staff will provide the primary administrative support to the Authority.

Staff is responsible for dissemination of information about the program, the intake and initial screening of applications for Renaissance Zone projects, preparation of amendments to this Plan and any City ordinances relevant to the program, maintenance and presentation of data on the program, evaluation of program effectiveness through an exit survey and other methods, preparation of annual reports to DCS, and presentation of Authority recommendations to the City Commission. Staff will also function as the primary liaison between DCS and the Authority.

Other City departments have a supportive role in program administration. The Finance Department - Assessing Division implements all approved local property tax exemptions, and the City Attorney's Office advises the Authority on legal matters.

Staff will also periodically verify that completed Single-Family Residence projects remain owner-occupied for the duration each project's exemption period, with use of available public data. Properties that are verified as no longer owner-occupied will be removed from the Renaissance Zone program. Staff will work with the Burleigh County Auditor in such situations where a completed project becomes delinquent on taxes after approval.

Staff will verify pre-existing tax clearance at the time of application, in compliance with NDCC § 54-35-26, through several means. Income tax clearance will be verified through a Certificate of Good Standing form obtained from the State Tax

Commissioners Office. Property tax clearance will be verified through self-disclosure by the applicant. Additionally, staff will verify that all properties owned by the applicant in Burleigh County are not tax delinquent, and staff will take appropriate action should staff be made aware of tax delinquencies from other political subdivisions.

c. City of Bismarck Board of City Commissioners

The City Commission retains ultimate authority over local administration of the Bismarck Renaissance Zone program. All projects recommended for approval by the Authority are presented to the City Commission for final action.

5. Promotion and Marketing of the Renaissance Zone Program

Promotion and marketing of the Renaissance Zone program is an important part of implementing the Plan and sustaining the program. Promotion efforts will be coordinated between Staff, members of the Authority, The Downtown Business Association, property owners, developers, commercial realtors and other business organizations.

The Renaissance Zone program is promoted through the following additional methods:

- An active page on the City website that includes updated and relevant information regarding the program.
- The availability of an information guide that provides a more concise description of the requirements and review process outlined in the Plan.
- Presentations to civic and professional groups with an interest in the Renaissance Zone program.
- Preparation of data and analysis of the costs and benefits of the Renaissance Zone program upon request.
- Periodic mailings to properties within the Renaissance Zone area or areas considered for possible expansion of the Renaissance Zone.

It is important to note that the City is a partner in promoting the Renaissance Zone Program, but not to the extent that the City's efforts will supplant the responsibility of property owners and developers to create and promote projects.

6. Potential Future Renaissance Zone Program Revisions

The state enabling legislation for Renaissance Zone programs includes certain features that the City has opted not to exercise within this Plan. The Authority may take advantage of these options through future revisions to this Plan.

a. Modifications of Renaissance Zone Boundaries

The City does not currently utilize all blocks available by state law. According to the 2020 U.S Census, the population of the City is 73,622. A city of this population is allotted 47 blocks (34 blocks plus 1 block per additional 5,000 population). The City Renaissance Zone boundary currently utilizes 41.5 blocks, with a remaining 5.5 blocks available.

If sufficient interest from property owners and businesses becomes evident, the Authority may consider a future expansion of the boundary. State law allows up to three blocks of a Renaissance Zone to be non-contiguous with the rest of the Renaissance Zone. At this time, the Authority has chosen not to utilize this option, although may choose to in the future.

The Authority wishes to plan future boundary modifications, whether the addition of new blocks into the Zone or the completion of certain blocks within the Zone, well in advance of implementing changes, allowing property owners the ability to consider potential improvements to their property within a known timeframe.

The Authority will review a boundary modification plan at least annually. Blocks within the future expansion or completion areas will be considered for action, and future areas will be adjusted accordingly. All changes to the boundaries will be approved by the City Commission in the form of a revision to the Plan.

Establishing boundaries well in advance of prospective development is essential to the effectiveness of the program. While the Authority may receive requests from property owners to extend boundaries to support a proposed project, such a request may not be considered as a sole reason for boundary modification.

The following criteria will be used for any expansion:

1. The addition of the block(s) will further the goals and objectives of this Plan.
2. The addition of the block(s) will not exceed the total allowable blocks for the Renaissance Zone, either in the core contiguous area or any allowed non-contiguous blocks.
3. The proposed block(s) include evident disinvestment and redevelopment potential, as indicated by building condition, building-to-land-value ratios, rate of change in assessed value, age of buildings, zoning, or other evidence.
4. Sufficient property subject to property tax liability exists or is anticipated to exist within the proposed block(s) to allow utilization of the program
5. Sufficient public infrastructure currently exists, or is underway or planned, to support any envisioned redevelopment.

The following criteria will be used for any completions:

1. All owners within the block(s) have been given a one-year written notice of the intent to complete the block and an opportunity to voice any concerns to the Authority in a public hearing.
2. The block has been within the Renaissance Zone for at least three years.
3. A significant portion of the block(s) is either ineligible, due to a previous Renaissance Zone project or current public/non-profit ownership, or has limited property owner interest.

F. Development Plan Amendments

This Plan may be amended at any time, according to the procedures of this section. The Authority will hold a duly-noticed public hearing to solicit input and review any proposed amendment to the Plan, including text amendments or modifications to the Renaissance Zone boundary. After the public hearing, the Authority provides a recommendation on the proposed amendment to the City Commission. Only amendments with a recommendation to approve will proceed.

The recommended amendment is submitted to the next available regularly-scheduled meeting of the City Commission for their consideration and potential adoption. If adopted by the City Commission, the amendment will be submitted to the Burleigh County Commission, Bismarck Public Schools Board, and Bismarck Park Board for potential support during their next available regularly-scheduled meeting. The requests shall be sent concurrently, with the order of board reviews determined only by the scheduling of each agenda. Alternatively, a special meeting of multiple boards may be convened, upon mutual agreement, for the purpose of adoption/support of the Plan.

An amendment shall become adopted only if adopted by the City Commission and supported by all political subdivisions. Upon final adoption, the amendment is forwarded to DCS for review according to state law. It shall take effect upon final approval by DCS. Projects will follow the effective Plan in place at the time of submittal of project application.

G. Evidence of Community Support

There is broad-based support for the Renaissance Zone from residential and business interests. Appendix G includes letters of support submitted in 2022 from:

- Bismarck Parks and Recreation District
- Bismarck Public Schools Board
- Bismarck Mandan Chamber-EDC
- Bismarck Downtown Business Association
- Other Institutions and Businesses

The Authority and Staff will work to preserve and grow this community support by furthering the goals and objectives of this Plan.

ITEM

7



Burleigh County Building, Planning & Zoning
PO Box 5518
Bismarck ND 58506

burleighcobuilding@nd.gov
701-221-3727

TO: Burleigh County Commission
RE: Appeal of Planning and Zoning Commission Decision
DATE: 8-13-2024
FROM: Mitch Flanagan, Burleigh County Planning Director

ITEM 1

Information for Appeal of Special Use Permit

On July 10, 2024, the Planning and Zoning Commission held a public hearing to consider permitting a commercial corn maze on the grounds of the Baldwin Greenhouse, 1725 201st. Avenue NE, Baldwin, ND. The request was received from Stoll Farms represented by Mary Podoll. The corn maze would run from August thru October of 2024. Clark Coleman, who has operated a corn maze at the Buck Stop Junction would run the maze, Friday thru Sunday. The remained of the week the maze will be operated by Stoll Farms. A site plan has been submitted showing the location of portable bathrooms, the parking lot and food trucks.

HISTORY and INFORMATION

Stoll Farms LLC purchased the Baldwin Greenhouse in November of 2022. Prior to this, the Were family operated the greenhouse during the growing and planting season, with the greenhouse being closed during fall and winter. Stoll farms has held several events which include food trucks for example on Mother's Day, 2024 over 2,00 people visited the greenhouse and enjoyed the food available thru food trucks on site. The green house is open Monday through Sunday, closed on Wednesday.

Spring of 2023, Burleigh County began receiving complaints regarding the activities and the amount of people on the greenhouse property. The concerns expressed were that the activities being held were not agricultural in nature.

The property west of the greenhouse is owned by Jamie Feist. He breeds and raises deer, with are considered non-conventional livestock. The additional activities on the greenhouse property have caused concerns with his livestock. His has experience death and miscarriages within his herd. When he purchased his property in August of 2020, the greenhouse activities were limited to those purchasing items. Food trucks and various activities were not held on the property. He is concerned with the addition of a corn maze and the activities surrounding the operation of the corn maze will affect his livestock and his livelihood.

Burleigh County Planning and Zoning staff recommended a denial of the Special Use permit for the following reasons:

1. The operation of the corn maze is not an agricultural activity.
2. Operation of the corn maze will directly affect the neighboring property owner's pursuit of agricultural activities.
3. Neighboring property owner could sustain livestock loss and financial hardships due to the activity surrounding the corn maze activity.
4. The operation of the corn maze does not follow the intent of Article 11 A-Agricultural District Regulations, Section 1 – Description which states:
 - a. *The A-Agricultural District is established as a district in which the principal use of land is for general agricultural uses. The regulations are intended to prohibit commercial and industrial usage of the land and to prohibit any other use which would interfere with the development or continuation of the agricultural use of the land; and to discourage any use which because of its character or size would create requirements and cost to public services such as police or fire protection, water supply and sewerage before such services can be systematically and adequately provided.*
5. The application for this type of Special Use Permit does not coincide with the Burleigh County Comprehensive Plan.

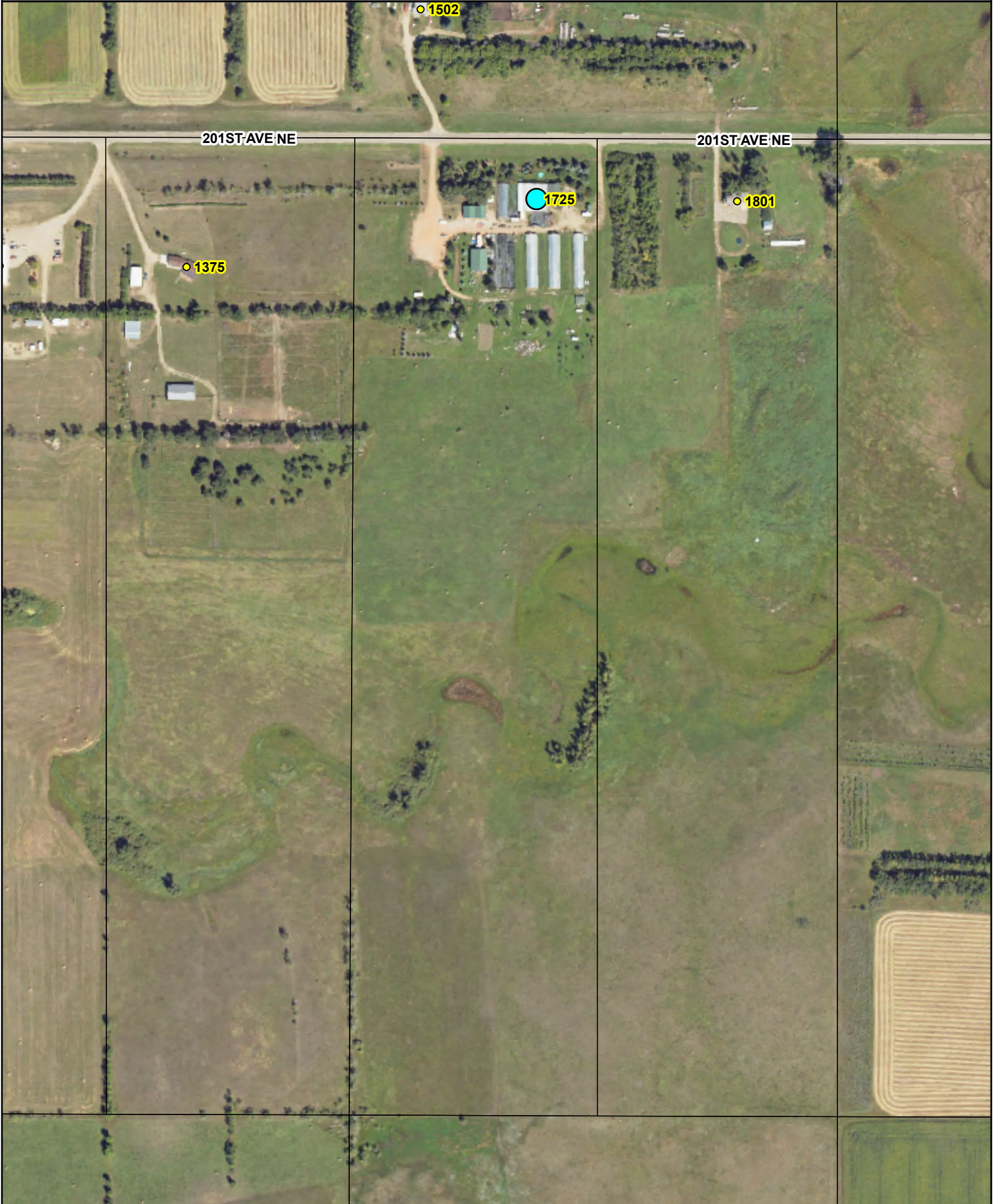
The July public hearing regarding the special use was attended by members of Burleigh County for and against the operation of the corn maze. After consideration of testimony, the Burleigh County Planning and Zoning Commission voted against the motion to approve the special use permit by a vote of 2 for the motion, 6 against the motion.

The denial was appealed on July 12, 2024.

Attachments:

- | | |
|-----------|--|
| Exhibit 1 | Site Location 1725 201 st Ave NE |
| 2 | Appeal Request – Stoll Farms |
| 3 | Burleigh County Planning and Zoning Staff Report |

**BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP**



July 12, 2024

Mark Splonskowski, County Auditor
Brian Bitner, Burleigh County Commissioner Chairperson

Regarding: Appeal to action by Planning and zoning to deny Special Permit

Dear leaders,

This letter, delivered to you by email today, July 12, 2024 is a notice of appeal regarding the Planning and Zoning Committion's decision regarding our request for a corn maze.

I will include some information with this email in support of my request to allow a corn maze in Burleigh County at the Stoll Farms/Baldwin Greenhouse & Nursery, however it is my understanding that I will have the opportunity to provide additional information at the appeal meeting.

Planning and zoning staff have approached me about the vision that my family has for this property upon purchase due to a complaint from a neighboring property. It is my understanding from previous owners, this complaining by this neighbor was fairly regular. Mitch Flanagan suggested that in the spirit of being neighborly, I should request a special permit for some of the planned agriculture activities.

I did turn in this request in May, I think. But concurrently, there has been work on language for special permits.

Attachment A is a copy of the current Special permit language. It has no reference to corn mazes, pick your own produce activities, farmers markets or on farm sales of products.

Attachment B is the current language moving forward.

This special permit language and the lack of the staff to acknowledge the input from those stakeholders impacted by such language caused me great concern so I verbally asked to withdraw that request and focused solely on a Corn maze. In working with Farmer Clark Coleman, there has not been a requirement in the past and he suggested I not ask for permission. I believe we were already down the road, and was fearful that the don't ask, beg for forgiveness was not the right approach.

The Corn Maze is on agriculture land, zoned ag land at 1725 201st ave NE Baldwin ND. You may know it better as the Baldwin Greenhouse & Nursery. The Greenhouse business is also considered ag, but is contained to the north 8-9 acres. The remaining property has been cropped, hayed or grazed. The area of where corn is planted is considered by USDA to be cropland - and if we were USDA participants we would meet Highly erodible land and swampbuster rules.

The area will not be impacted by traffic as the Greenhouse has already demonstrated capacity of over 1000 people (I might say 2000 on busiest of days). Gravel parking lots can easily accommodate 100 vehicles, and there is also secondary parking on gravel throughout the greenhouse.

This issue at hand and the reason for denial, my understanding, is that one neighbor says that we adversely impact his right to raise confined livestock - in his case, whitetail deer.

July 12, 2024

Whether or not the planning and zoning staff had the authority to recommend a special permit process is a mute point now.

My ask is approval to host a corn maze on the Stoll Farm/Baldwin Greenhouse property. Impact to infrastructure is minimal, the site has adequate parking and facilities and is an excellent opportunity to highlight agriculture in the community. It is my observation that people in Burleigh County would enjoy such an event.

I recognize my neighbors right to raise whitetail deer. I even tip toe around them while doing agriculture activities like planting trees, managing weeds and considering fencing options.

In reading information on line about whitetail deer, most all sites included the value to creating good relationships. This is also my value, which is why I introduced myself and family to our neighbors with a nice bag of Christmas hot chocolate and our contact information. The neighbor with the deer made no effort after that time to continue discussion or share his concerns about noise or ask to share the cost of a fence. With our focus on getting the greenhouse running, asking our neighbors about fencing was not a priority.

In late March or April, with snow still on the ground (2022 - 2023), the family finally got a chance to walk past the greenhouses to the south 1/2 of the property. Two people walking in the pasture to check out grasses, weeds, look at the creek for fishing opportunities and camping! That was when Jamie came across their pasture yelling at them. Later that day he and his wife finally came by crying and telling my family they had killed or damaged a deer. It was very confrontational. In my opinion they had ample time to create communication.

We have been visited several times by the planning and zoning staff as well as the sheriff's department for going about our own business.

I would ask that this neighbor to neighbor dispute not be basis of simply saying no to what I view as an acceptable practice, an activity that the community wants and is an awesome bridge of community and agriculture.

Had he asked, we would have gladly worked to compromise a barrier fence. For example, there are portable windbreak panel structures that could be used as a model in critical places on our property boundary. Where there is deer to human viewscape, it would be our responsibility to build or finance.

Signage by neighbor is clear to customers, however, I am agreeable to adding more sign posts along his designated property line.

Attachment C is my recommendation

My request is a do pass for a special permit to have a corn maze, or an acknowledgment that there is not current requirement for such. If asked about applying for a PUD, please note that it was the special permit process recommended to me by staff.

Thank you for allowing me the appeals process and consideration for a change in decision

Mary Podoll, representative and family
Stoll Farms LLC/Baldwin Greenhouse & Nursery
701-255-0736

Stoll Farms LLC Appeal to Corn Maze Do not Pass

There is no legal or reasonable basis for denial when all facts are allowed. The location has adequate parking, ease to accomodate vehicles and neighbor complaints are based on grudges and misinformation.

**Contact: Mary Podoll, Family member
baldwingreenhouse@outlook.com 701-391-7759**

4 Points of appeal

- 1. Corn Maze Request and Supporting Information**
- 2. INACCURATE, BIASED, and HARRASSING information provided to support a do not pass recommendation**
- 3. A Path to Yes for the community**
- 4. Applicability of Special permit ordinance as in place of corn maze application**

CORN MAZE

Early 2024, Clark Coleman offered the idea to host the Corn Maze at the Stoll Farms. He and his family had already decided they were not going to go back to the location at Buckstop Junction. The distance for equipment and labor was a deciding factor. Stoll Farms - includes the location of the Baldwin Greenhouse & Nursery (provided to help identify site).

Stoll Farms has 40 acres, approximately 8 acres of greenhouse/nursery and home. The remainder is pasture and cropland. The corn is planted on approximately 6 acres.

At the time of agreement, there was no known ordinance to impact this decision based on the experience of the Coleman's.

This location has adequate space for volume and low impact to infrastructure of roads.

A great activity for the community of all Burleigh County.

Corn Maze Special Permit Application

WHY: Discussion with Planning and Zoning staff regarding operations of Stoll Farms Produce growing and the Baldwin Greenhouse & Nursery Operations became a topic of discussion in the spring of 2023, just short months after purchase of property December 1, 2022, because Mitch Flanagan had been contacted by a neighbor. No significant changes were or are being made to the agriculture operation of growing and selling nursery and greenhouse crops. There is an added agriculture use of produce to this acreage zoned agriculture. Future plans and visions were shared with Mitch. There was no requirement needed for current operation, as I understood it at that time. To my knowledge, no additional calls or letters came from Planning and Zoning staff.

In Summer of 2024, I was made aware of the special permit draft for many of the agriculture activities that I mentioned to Planning and Zoning staff, therefore I made a call and was invited to the stakeholders meeting. That draft is still in discussion and will be heard at a public hearing in the future. In the meantime, I wanted to be proactive and follow the recommended action by PZ, even though the ordinance has not been passed. It was made clear to me that to be a good neighbor, I should ask for permission. Therefore, I applied for a variance, not knowing the correct terminology; and followed the recommendation to request a special permit.

In early July, Stoll Farms provided a check for \$300.00 and a map and information to show that our location is adequate (More than) for a corn maze.

Below are clarifications for this 40 acre property with a residence on site:

1. Corn Maze will be operated approximately 6-8 weeks (weather dependent) in the fall of 2024. T2. Site is on 201st Ave. Well maintained with asphalt.
3. Corn Maze traffic, according to the farmer planting corn will be less than 75 families (vehicles) per day. A day is an 8 hour day, 3 days per week with much smaller numbers the remainder of the week. Please note this is a clarification to the application.
4. There is parking on gravel that can easlily handle these 75 vehicles (More parking is availble in the fall when barriers are removed and parking can extend east and west along the gravel area between greenhouses). In May, on the busiest day, over a 10 hour period 200 cars have been accomodated for many years.
5. Porta potties are on site. Hosting schools tours easily accomodated 80 students at any one time (that was maximum on site 3rd graders/teachers in my recent experience).
6. Parking and people are well over 150' feet from property line. And, many hundred feet from residence.
In the corn maze, the path is a minumum of 100' from the CORRECT property line. In addition the corn is very tall and provides a sight and sound barrier from deer at about 2 rows into the field.
7. Checked in with township, they provided positive comments
8. Letters of support from Wilton Community and others

Because the Stoll Farms has already demonstrated the ability to manage volume on this location with no cause for additional road maintenance and residential concerns **I am requesting a do pass recommendation.** As for frequency, the corn maze request is for a single year 2024. We will work with planning and zoning for additional regulations/permit needs as they become part of the ordinance.

It is my desire to highlight why Stoll Farms/Baldwin Greenhouse Nursery and the 40 acres upon which it sits is a good site for a corn maze. Roads, Infrastructure, examples of success managing crowds. I believe that this has been demonstrated in the numbers of customers already utilizing Baldwin Greenhouse & Nursery.

Inaccurate, Bias and harrassing Information

In my effort to do the right thing, it opened up criticism from a neighbor who farms whitetail deer and the planning and zoning staff. I will address Jamie Fiest's concerns in Part 2, as well as statement and photos from planning and zoning staff.

In the court of public opinion, we have been tried and found wanting. This is the only place I have to correctly and publicly defend statements made with innaccurate, bias and harrassing information.

1. The no Trespassing signs placed between Jamie Fiest and Stoll Farms have been used as measurements by Jamie and by Planning and Zoning. These are as much as 40' inaccurate in places. 40 feet. In my conundrum to 'not' disturb Fiest's gorgeous deer, I did not continue to measure these distances. It can be noted that each measurement from the "Officially" staked property line boundary got substantially farther from Fiest's no tresspassing signs that he claimed marked the property. See photos and videos for verifiable documentation.

PHOTO Documentation
Included

The cost to the Stoll's was \$1800 to trust but verify. I no longer trust Jamie's or the Planning and Zoning staff's measurements and credibility. I hope you take this into consideration in this appeal.

2. Photos of deer damaged are publically damning to the Stoll's. I can neither confirm nor deny these photos. Here is what I know:

a. In December 2022, Jamie was provided a bag of Christmas goodies and my homemade Hot Cholate mix along with contact information for Jared and Ashley Stoll. Cell phones and the Greenhouse landline phone numbers were given. It was a meet and greet, and I gave him a great story of our vision for the 40 acres for agriculture and the nursery business. Which has all been used against my family, even if we haven't implemented.

b. In the spring, after much snow on the ground, Jared and Ashley had a chance to walk in the pasture south of their house for the 1st time. Just 2 people checking out their new place... They came back to the house clearly shaken by the experience of having Jamie - a stranger, coming at them across their property aggressively and loudly. Later that day, Jamie brought his wife and they yelled and cried and accused my family of killing their deer.

Just a reminder - that was the 1st time they met Jamie. I opened the door with communication and contact in December.

It did create resentment by my family who loves animals and would not intentionally hurt them. Also, the Fiest's didn't ask to share in additional fencing, barriers - they demanded that we do it. And during the previous meeting requested that we pay for their deer because they can't get insurance.

Making these requests in the court of public opinion - this feels like harrassment.

c. I have no verification of how many times the sheriff or planning or zoning was called by the Fiests based on rumor or assumptions. I do know that one of the Fiest's made my friend, very nervous because they would follow her with their vehicle when she came to help us at the Greenhouse. I do know, and can share videos of myself being on the property planting trees being watched by Jamie the entire time. I have also observed the Sheriff's deputies drived into the parking lot and out each May (albiet that is 2x).

d. I have been told but not verified that Jamie has talked poorly about us with the State Veterenarian who shared that with a friend of mine. He continues to share his point of view loudly and in a harrassing manner to anyone who gives him the time (As friends, should I suppose), but should a state employee - including the planning and zoning staff be sharing information shared in a conversation with others or be used as documentation in a report???

C. The spokespeople for Jamie and White Tail Deer raising represent groups that value good neighbor relationships. In fact is value number 3 on their website. Jamie is not a poster child as he not only has not made an effort, he has abused his neighbor. I have been told that Jamie did this to the previous owners as well. Scott Weere said with Mel fighting cancer, he didn't have time to fight the neighbor.

D. Lastly, because of my ill stated concerns at the stakeholders meeting, and expressing anger, I have created animosity with at least one or more of the board members. As you make this decision, please note that my family can not control my anger or my mouth and should not be penalized because I speak up in support of others opposition. E. In addition, I know that some of you know that Jamie Feist called the Sheriff after the last Planning and Zoning meeting that I threathened him. Here is what I said and these are facts 1. I have 11 grandchildren, 2. They all have bikes, atv's, and horses, 3. Maybe I should just let them all ride in the fields. (I also added "I can, but I won't). I'm 5'2, 59 years old, I don't carry anything more dangerous than a pocket knife or snippers for plant care at the greenhouse).

E. Whether or not, you like Jamie and his deer and dislike me, there should be path to yes for activities that the community wants. This should not be the court of law between neighbors with poor relationships.

A path to Yes

In addition to clearly marking the property boundary with a legal survey, we will:

1. Add Windbreak Panels: There is approximately 650' of deer fencing between properties. If Corn Maze is approved, we will add about 100' of panels. (Known as windbreak panels, picture provided). Some of the 650' has trees or other protection from deer eye of sight to areas where people other than family may be. (A map is included). This includes the area along the cropped field AND, it will be right next to the corn 40' from the property line. In addition there are at least 7 rows before the west end of the corn) making the maze 100' away from Deer Fence and several hundred feet from residences. (No clear information about 100' rule - that came about "After" the application was made. Also, it is cropped field and in no other ag application does one have to be 100' from property line).

The cost of panels is \$1000/30' at first search. I hope to borrow and find used panels to reduce this cost. Please note that the Fiest's have owned this property for how long(2020??) and have made no effort to add sound/sight barriers between properties????

2. More signs - We will add 9 more signs that indicate that our property ends. Most with tact and kindness... One even says "Shh, Deer Sleeping".

What rules apply?

In hindsight, I should not have applied for any type of request, even though Mitch Flanagan said in a discussion that I should. In the scheme of things a PUD may be needed for the overall operation of Stoll Farms, but until we have completed our vision and mission and "Plan", this would be premature. Therefore, since it was quite apparent that corn mazes would be included in the Special Ordinance regarding Ag tourism/recreation, and it might have been passed before we began hosting people to the corn maze, I did want to be a good neighbor and even a good stakeholder to follow the process.

Here are my points.

1. Previous experience by farmer planting corn maze did not include a need for any type of permit.
2. If I didn't have to have a Special permit, why was it accepted.
3. If it was needed with the current ordinance rules, which rules apply is vague.
4. The volume and frequency of the activity has already occurred at this location that has been the Baldwin Greenhouse & Nursery for over 20 years (with 31 years total agbusiness in operation)
5. Just because a neighbor complains, there should still be a path to yes, other than the opinions of the planning and zoning staff and board.
6. The planning and zoning staff used Feist's faulty information without verifying, and no one informed the Stoll's this was occurring.

Having a corn maze in the community is a good thing. It is located on a site that accommodate volume. Actions can be taken by Stolls to reduce impact to deer at their own costs.

Please consider a Do pass Recommendation.

Thank you very much for your consideration,

Mary Podoll

On behalf of my family Jared, Ashley, and Emmett Stoll.
Stoll Farms/Baldwin Greenhouse & Nursery

Attachments 1

Measurements made
at ~~First's~~^{No} Tresspassing signs

are 8' to 40'

from property line

The one used by P:Z staff
40'

Invoice Available upon
Request



INVOICE #24-030

Western Edge Surveying, PLLC

1175 Lincoln Street

Dickinson, ND 58601

(308)-430-3118 or (701) 505-8209

DATE

BILL TO

Stoll Holdings LLP

1725 201st Ave NE, Baldwin, ND 58521

FOR

Boundary Survey - Establish
Boundary of the W1/2E1/2NW1/4
Section 24-141-80

Details

AMOUNT

Field Work - Find/Set Monuments, Stake Boundary Line

\$1,800.00

TOTAL \$1,800.00

TOTAL DUE \$1,800.00

Make all checks payable to Western Edge Surveying, PLLC

If you have any questions concerning this invoice, use the following contact information:

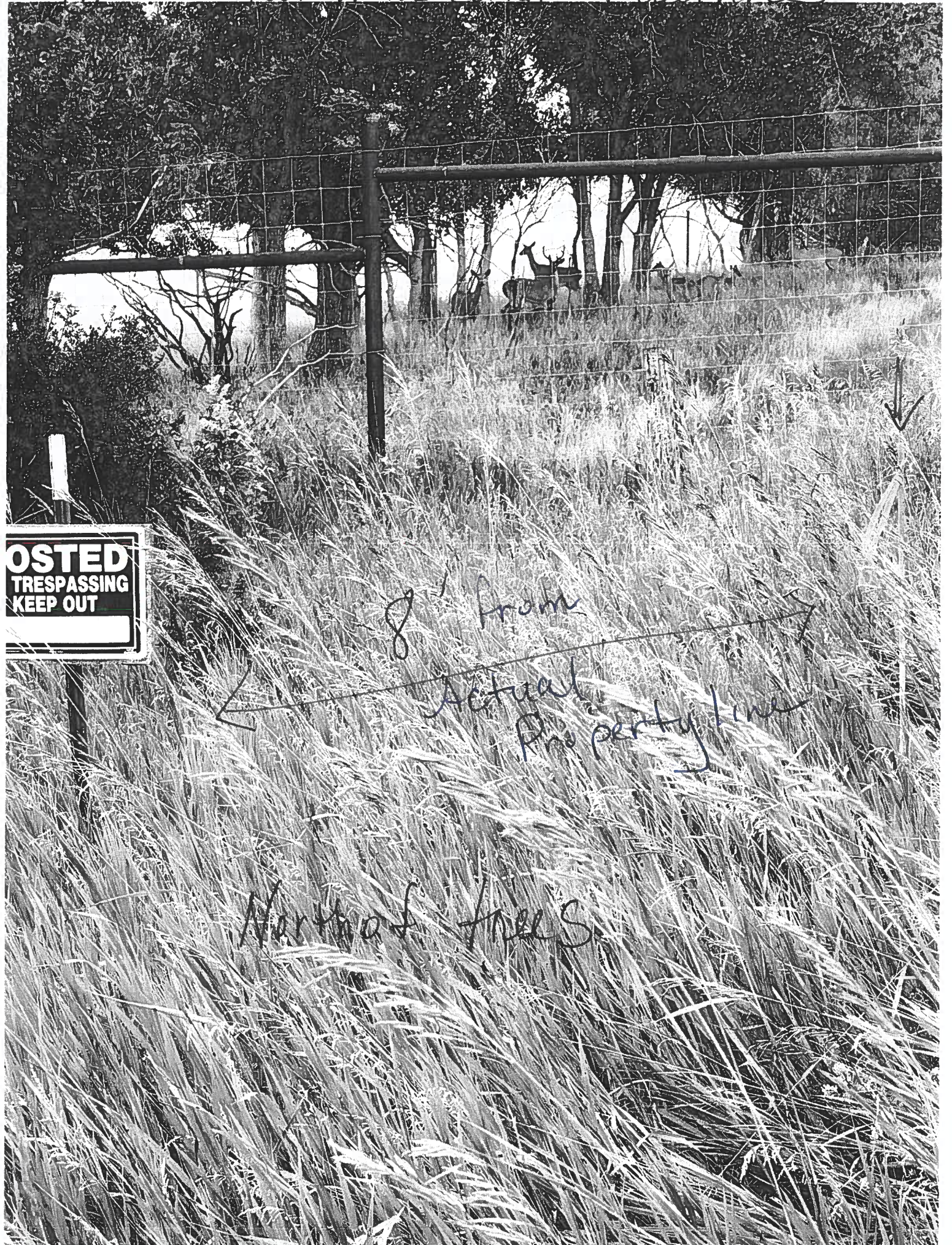
Nick Jensen, Western Edge Surveying, PLLC (308)-430-3118 or (701) 505-8209

THANK YOU FOR YOUR BUSINESS!



①

POST A NE Corner of deer fence



POSTED
TRESPASSING
KEEP OUT

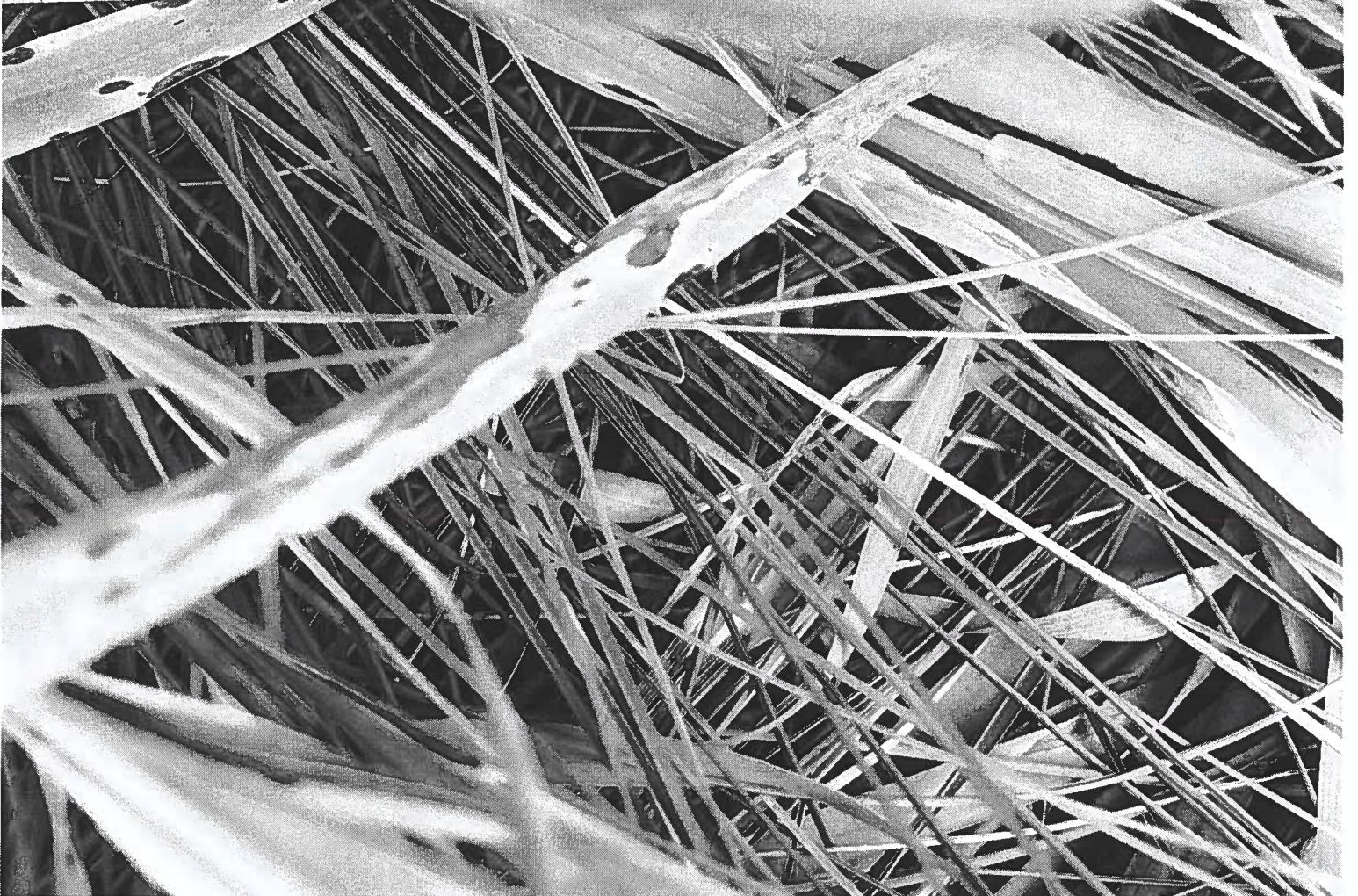
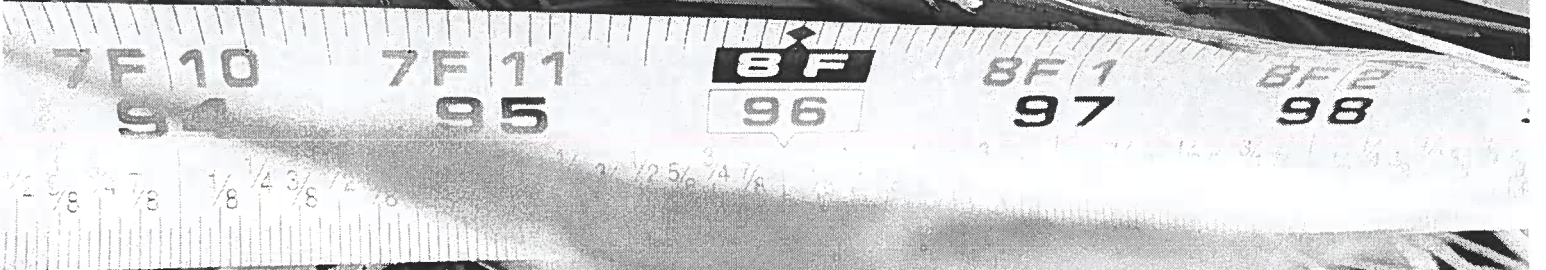
8' from

Actual Property line

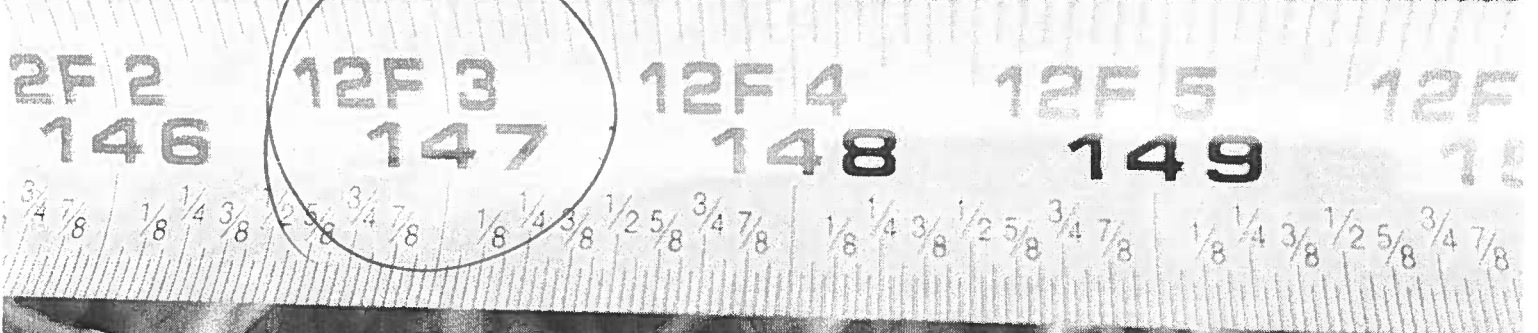
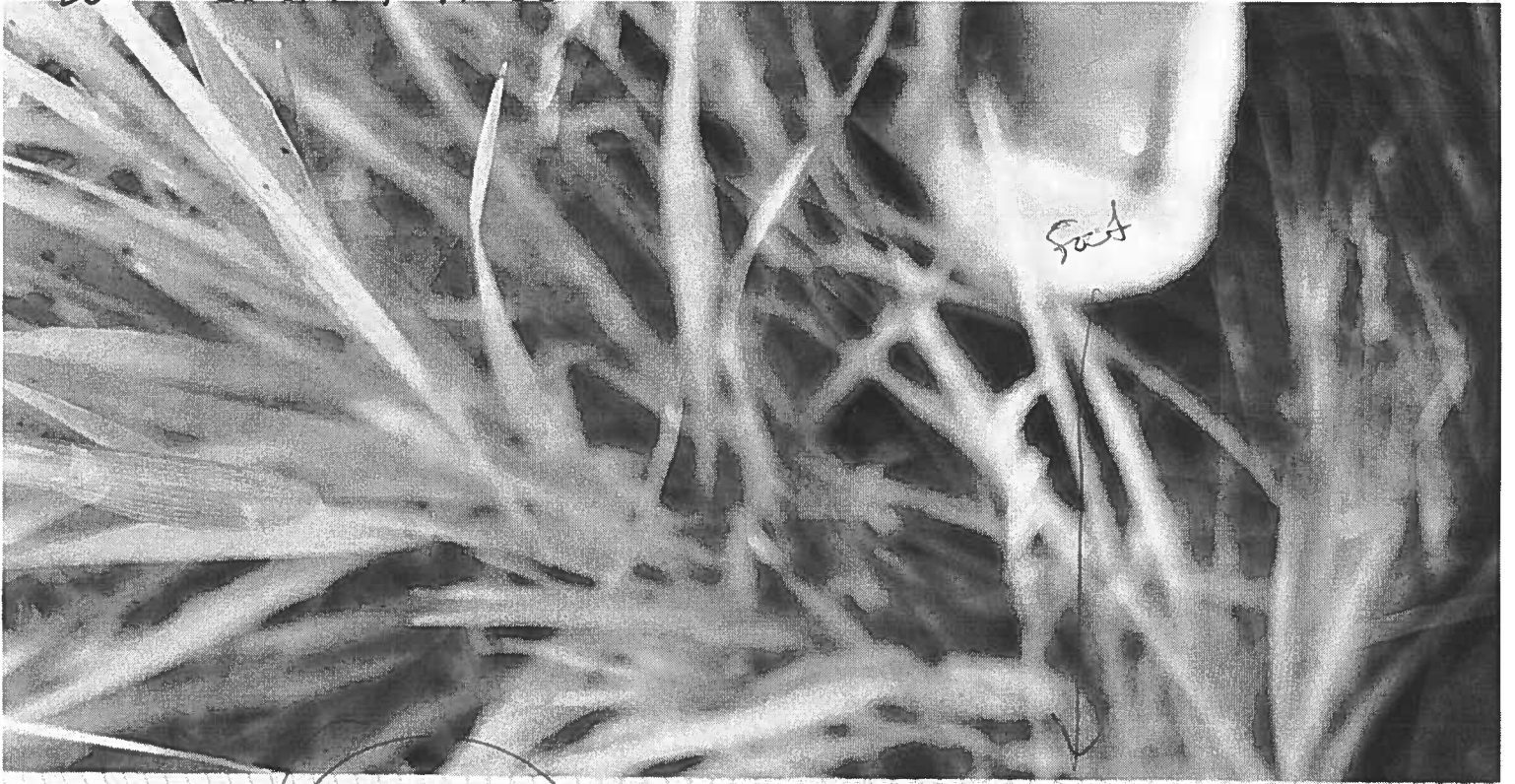
North of trees

①

NE corner



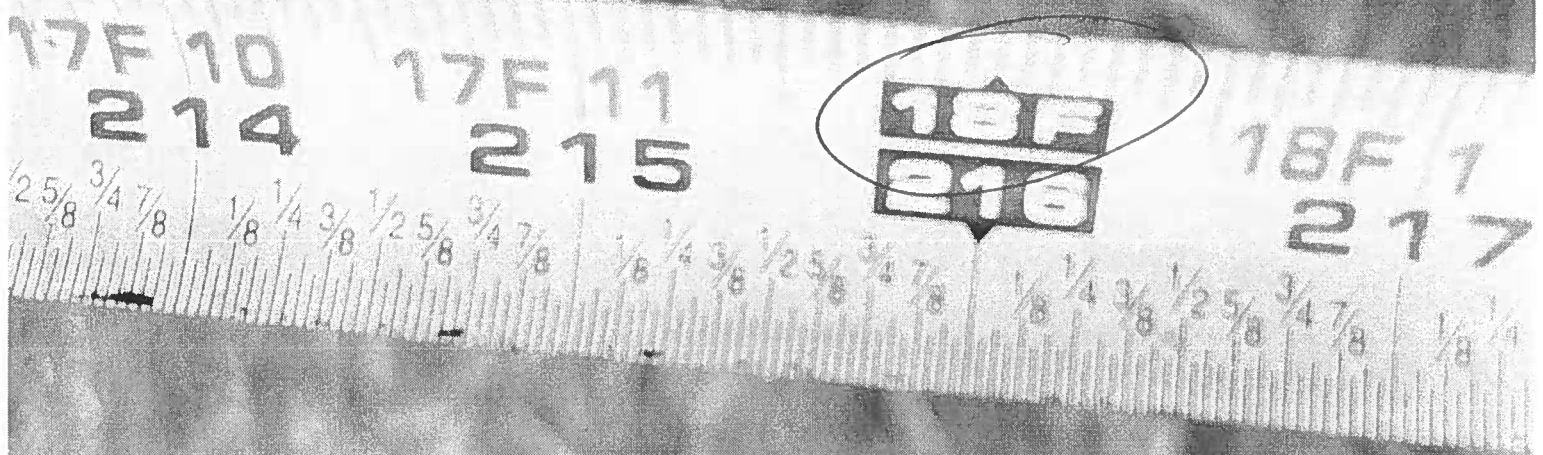
2 South of trees



South of trees

3rd post

from (NE corner of deer fence)



17F 10
214

17F 11
215

18F
216

18F 7
217



4th No Trespassing Sign from

See
Video

NE corner is approximately 40'
from Property line.

Video shows that I was trying to
not disturb deer.

This sign was stated to be
Property line, when P&Z staff
measured w/ Jamie Feist.

Clearly this was inaccurate
information. Since Jamie
Placed the signs, he surely
knew he wasn't on the property line.

Attachments

A Path to

YES

Signs
,

In addition to
Jamie Feist's No
Trespassing sign

Panels

9 more



9 Signs for Property line



83238204

Order Information		Shipping	
Sales Order Number: VP_GCNK94QQ Fulfillment Order Number: 79944114 Package Ref. Number: 79944-114 a Order Date: 7/16/2024 Shipping Method: Ground		MARY 1725 201st Ave NE Baldwin ND 58521-9793 United States	
Contents of this Package (box weight: 5.7 lbs)			Special Instructions
1	<p><i>Person a use</i></p>	Custom Sign (892488935) 18" x 24" Single Sided Corrugated Plastic	B19
2		Custom Sign (892488936) 18" x 24" Single Sided Corrugated Plastic	B19
3		Custom Sign (892488937) 18" x 24" Single Sided Corrugated Plastic	B19
1		Custom Sign (892488938) 18" x 24" Single Sided Corrugated Plastic	B19
2		Custom Sign (892488939) 18" x 24" Single Sided Corrugated Plastic	B19
1		Custom Sign (892488940) 24" x 18" Single Sided	B19

9 signs received





Corrugated Plastic

This shipment completes your order.

79944114

Box: Mini Sandwich Board Box (32x21x3)

**MACK METAL SALES WILL BE CLOSED THURSDAY, JULY 4TH AND FRIDAY, JULY 5TH IN
OBSERVANCE OF INDEPENDENCE DAY.
HAVE A SAFE AND WONDERFUL HOLIDAY!**

✕



HOME PAGE FARM AND RANCH INVENTORY
FABRICATION AND MANUFACTURING OUR STORY

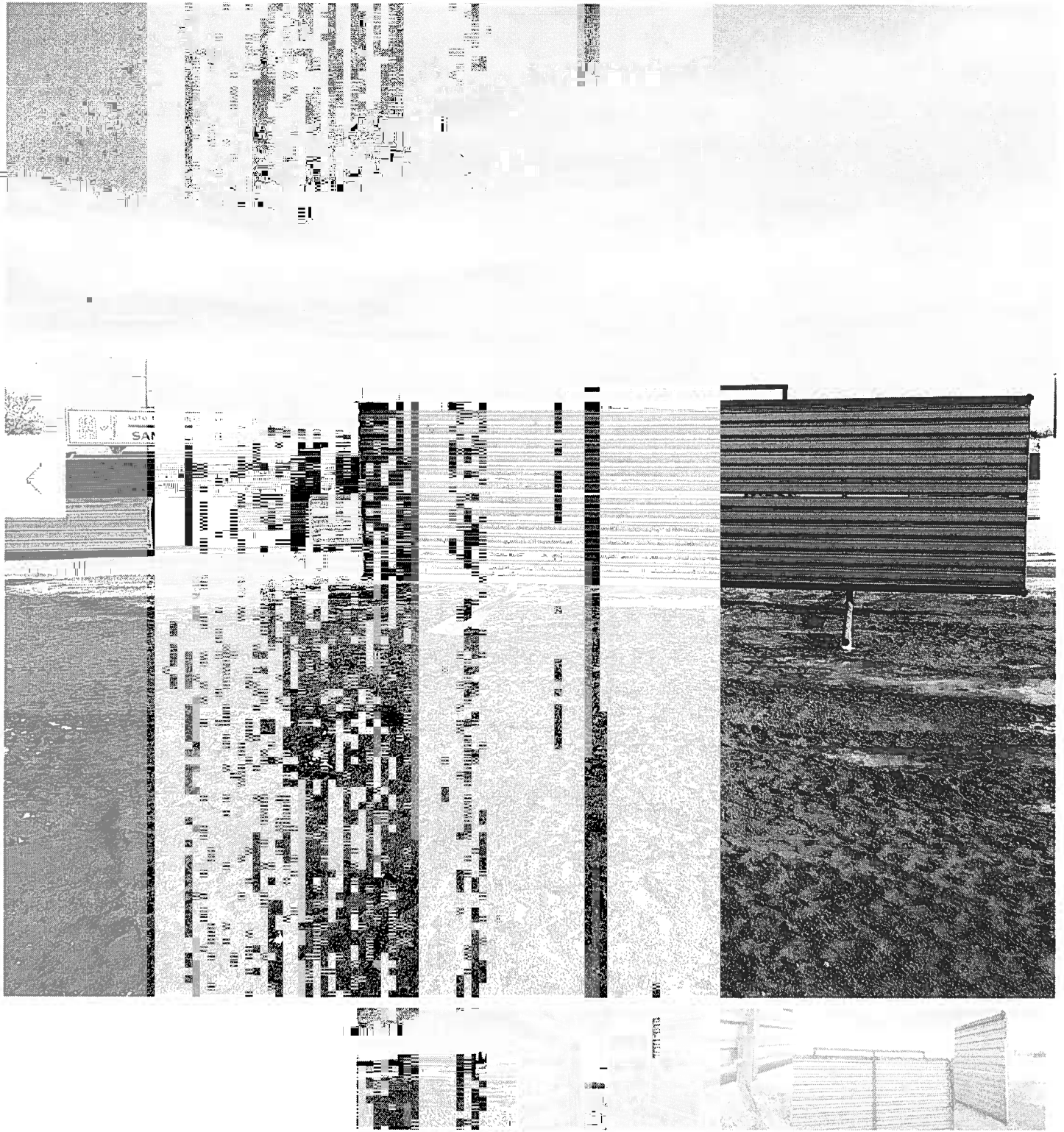
CONTACT US



Mack Metal 24' Free Standing Windbreak Panels

Our Free Standing Windbreak Panels are an essential piece of farm and ranch equipment that help keep your livestock warm and protected from harsh weather elements. Our 24' Windbreaks are 8 foot tall and come with removable legs—which are 12 foot wide. They are made with heavy duty 3" x 2" rectangular tubing and 22 ga super steel windbreak decking. They also come with lifting loops across the top horizontal brace to be easily moved and transported.

24' WINDBREAKS ARE MADE WITH 22 GAUGE TIN



Mack Metal's Standing Floor Panels

STANDARD SIZE WITH HEAVY DUTY

Incorrect,

Bias,

Harassing

Information

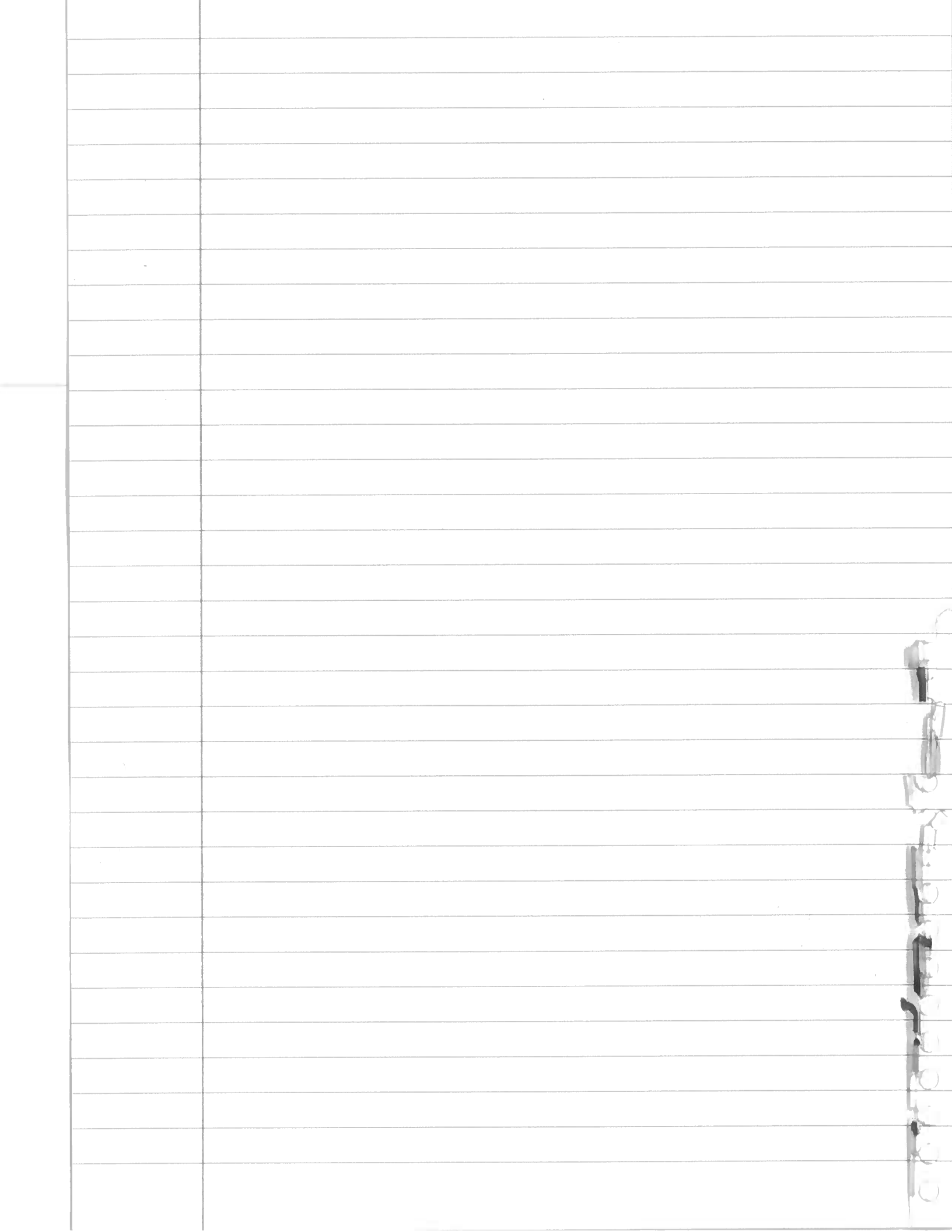
1st Complaint March 2023

~~*~~ Stoll's had owned since Dec 1 2022

4 months - snowed Dec
and didn't stop!

The only thing done outside was
push snow.

opening of Nursery - April 27th





NOTES

PLANNING AND ZONING COMMISSION

July 10, 2024

Analysis

The request for a Special Use Permit to have a corn maze is allow per the Burleigh County Zoning Ordinance Article 8 which states:

"In order to carry out the purpose of this Article, The board of County Commissers finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reaseans, be reviewed by the County Planning and Zoning Commission and the Board of County Commissioners be and are hereby given limited descretionary powers relating to the granting of such permit or certificate."

The petitioner has submitted a site and operating plan for the corn maze as follows:

Hours will be from 9:00 am with the last person entering the maze one half hour before sunset. Normal operating hours are from 9:00am to 6:00pm on Monday, Tuesday, Thursday, Friday and Saturday. 10:00 am to 5:00pm on Sunday.

Corrective

only for small groups
★★

1. The maze will operate from late August through October.
2. Clark Coleman will operate the maze Friday thru Sunday. Stoll Farms may run the maze the remaining days of the week or by appointment.
3. Parking will be in a gravel parking lot, located approximately 100' feet from the west property line. Over flow parking is not available
4. Restrooms/Porta Potties will be available and located within the greenhouse complex.
5. The maze is located in the middle of the parcel and approx. 6 acres in size.
6. A buffer of 7 rows of corn has been planted on the west side of property.

Primay crowd on F, S, Sunday.

PLANNING AND ZONING COMMISSION

July 10, 2024

Harassment of Stolls started March 23

The P&Z staff ~~is~~ knows that nothing was valid in that complaint Yet - here it is

History/Description

The petitioner approached Burleigh County on June 20, 2024 requesting a special use permit to have a commercial corn maze on the grounds of the Baldwin Greenhouse. The corn maze would run from August thru October. Clark Coleman, who in the past has had a corn maze at the Buckstop Junction will run the maze, Friday thru Sunday. Stoll Farms will run the maze the remainder of the week. There will also be a food truck, portable bathrooms, and a gravel parking lot. The last person to enter the maze on any day will be a half hour before sunset.

This is not the first Special Use application we have received from the petitioner. Stoll Farms, LLC had originally applied for a Special Use permit to operate a corn maze, teaching facility with an additional building, a commercial kitchen and educational growing sites for attendees. The petitioner was advised, her request does not fall under a special use category as the ordinance is written at this time. She was asked to wait with the first special use, until the ordinance is written. She was also advised because she has commercial activities, although farm related, they would not fit under allowable uses nor special uses of Article 12 - A-Agricultural Zoning of the Burleigh County Ordinances. Staff advised her to apply for a PUD. The petitioner is part of the Stakeholders Group for Agri-Recreation.

The Baldwin Greenhouse was owned and operated by the Werre family before being purchased by Stoll Farms in November of 2022. The Werre family operated the greenhouse during the growing and planting season. The green house was closed during the fall and winter months. Stoll Farms, LLC since purchasing the greenhouse have held several events which include food trucks. On Mother's Day of 2024 for example over 2,000 people visited the green house and enjoyed the food available thru the food trucks on site.

Starting in the Spring of 2023, Burleigh County started to receive complaints about the activities and the amount of people on the greenhouse property. The concern expressed was that the activities being held were not agricultural in nature. These non-agricultural events were affecting the neighboring property and his livestock.

~~IN~~ INACCURATE
INFO GIVEN WAS WITHOUT CLARITY
to which item action needs a PUD or Special Permit

with ~~drawn~~ drawn

Not in writing

~~people~~ people

Food trucks sales NOT THIS HIGH

True

Harassment

But No Activities

1st

In Spring of 2023 we didn't open until the last weekend in APRIL.



PLANNING AND ZONING COMMISSION

July 10, 2024

INACCURATE Info

Jamie Feist is a neighbor who shares the east/west property line with the greenhouse. Mr. Feist and his family raise and breed deer on his property. His animals are wild and are not pets. The additional activities with the food trucks alone have caused his deer to bolt against their pens and has caused death and miscarriage in his stock. His pens are located approximately 40' from the shared property line. When Mr. Feist purchased his property in August of 2020, the greenhouse was only operational between the summer months and traffic was limited to those purchasing items at the greenhouse. Food trucks and various activities were not held on the property.

- They did host education - They did open doors other times

The most recent complaint from Mr. Feist was the encroachment on his property by the equipment used to seed the corn maze. The operator of the equipment used Mr. Feist's 40' buffer zone to turn around while seeding the corn maze. The equipment caused damage to the plants and shrubbery Mr. Feist was trying to grow as an additional buffer to the deer pens on his property.

Mr. Feist is very concerned that the additional activity of a corn maze and participants in the corn maze trespassing on his property to see the deer. His male deer are just growing antlers and very skittish, the deer might bolt, break an antler and bleed out. The bolting of deer in one pen will cause a chain reaction in his other pens.

Has done Nothing for signs said

Mr. Feist has submitted documentation with his complaints (attachment - Feist Documentation)

County staff visited the site on June 28 to address Mr. Feist's complaint and verify additional information on the location of the corn maze. Measurements and pictures were taken at this time. (Attachment - Staff Documentation)

NO ONE told the Stoll's they would be on their Property

ON 6-9 Acres

w/ property line surveyed

INACCURATE

BIAS

Facing East



Property line Verified - Feist's were 8" to 40' ON Stoll Property

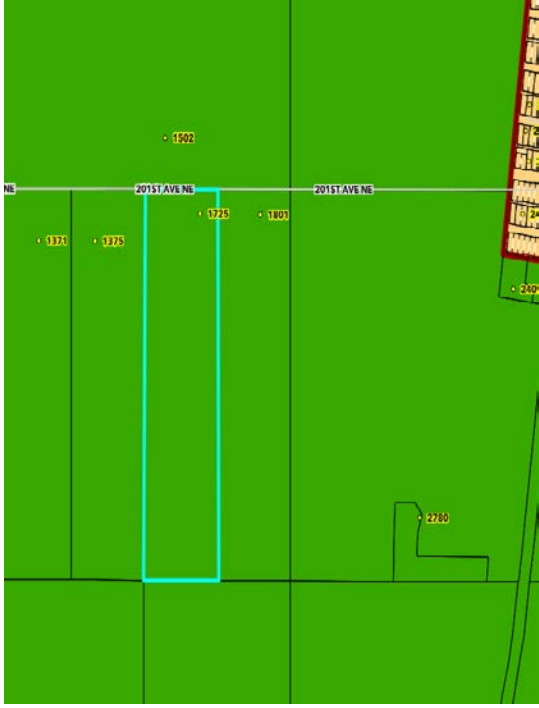
~~- Add Receipt for Surveyor~~

- Add video

~~- Add signage copy of receipt~~

Agenda Item 4-2

Application for a Special Use Permit

Project Summary	
Public Hearing Status:	Baldwin Green House – Corn Maze Planning and Zoning Commission – Consideration
Petitioner/Developer	Stoll Farms LLC – Mary Podoll
Address:	1725 201 st Ave. NE, Baldwin, ND
Location:	Glenview Township, Section 24, W 1/2 E 1/2 NW 1/4 Range 80
	 <p>Attachment 4-2-1 Location Map</p>
Project Size:	40 acres more or less A- Agricultural Zoning
Petitioners Request	Approval of a Special Use Permit and a “Do Pass” recommendation to the Board of Burleigh County Commissioners.
Posted	Bismarck Tribune 6/26 & 7/1/2024 Burleigh County Website 6/28/2024 Surrounding Property Owners 6/28/2024
2-mile notification area – 132 letters	

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners



History/Description

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PLANNING AND ZONING
COMMISSION

July 10, 2024

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County staff visited the site on June 28 to address Mr. Feist's complaint and verify additional information on the location of the corn maze. Measurements and pictures were taken at this time. (Attachment – Staff Documentation)

Facing East





Analysis

The request for a Special Use Permit to have a corn maze is allow per the Burleigh County Zoning Ordinance Article 8 which states:

"In order to carry out the purpose of this Article, The board of County Commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the County Planning and Zoning Commission and the Board of County Commissioners be and are hereby given limited discretionary powers relating to the granting of such permit or certificate."

The petitioner has submitted a site and operating plan for the corn maze as follows:

Hours will be from 9:00 am with the last person entering the maze one half hour before sunset. Normal operating hours are from 9:00am to 6:00pm on Monday, Tuesday, Thursday, Friday and Saturday. 10:00 am to 5:00pm on Sunday.

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4. Restrooms/Porta Potties will be available and located within the greenhouse complex.
5. The maze is located in the middle of the parcel and approx. 6 acres in size.
6. A buffer of 7 rows of corn has been planted on the west side of property.



Facing South



County staff visited the site on June 28, 2024. Staff notes on the site visit are as follows:

1. Measurements were taken along the west side property line to the corn maze. The average distance to the property line is 15'. (see Staff Documentation)
2. A footpath is located along the property line to the south end of the maze on both the east and west sides of the site.
3. The buffer rows of corn run east to west. The buffer rows should run north to south to provide a more effective visual buffer between the maze and the neighboring property.

Staff Findings:

1. The special use application fulfills the administrative requirements of Article 8, Section 1, General Provisions.
2. Growing of corn is allowed in an A-Agricultural Zoning District
3. The operators of the corn maze will charge a fee for participation.
4. The petitioner states 400 to 2000 people could participate in the maze on any given day.
5. The corn maze does not have a 100' buffer between properties.
6. The maze is approximately 15' from the east/west property line.
7. The corn maze could be considered a commercial enterprise which is not allowed in an A-Agricultural Zoning District.



PLANNING AND ZONING
COMMISSION

July 10, 2024

8. Operation of the corn maze does not follow the intent of Article 11 A-Agricultural District Regulations, Section 1 – Description which states:
 - a. *The A-Agricultural District is established as a district in which the principal use of land is for general agricultural uses. The regulations are intended to prohibit commercial and industrial usage of the land and to prohibit any other use which would interfere with the development or continuation of the agricultural use of the land; and to discourage any use which because of its character or size, would create requirements and cost to public services such as police and fire protection, water supply, and sewerage before such services can be systematically and adequately provided.*
9. Food Trucks are not considered an agricultural activity.
10. According to the “proposed” Agri-Recreational Ordinance: operation of the corn maze will have a size limit of 75 people per event and limited to 30 events per year.
11. The operation of a corn maze for commercial purposes is not an allowable use in A-Agricultural Zoned Districts.
12. Operation of the corn maze will impact the surrounding property owners use and enjoyment of their property.
13. The application for this type Special Use Permit does not coincide with the Burleigh County Comprehensive Plan

Planning Staff Recommendation

Staff recommends denial of the Special Use Permit as the operation of a corn maze is not an allowable use or special use in an A-Agricultural Zoned District.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the Special Use Permit and give a “Do Pass” recommendation to the Board of County Commissioners



PLANNING AND ZONING
COMMISSION

July 10, 2024

2. Approve the Special Use Permit with conditions and give a "Do Pass" after all condition have been completed.
3. Deny the Special Use Permit with reason.
4. Table the Special Use for more information.

STAFF
DOCUMENTATION

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N
7/2/2024



PARCEL ID: 16-141-80-00-24-403 OWNER: STOLL HOLDINGS LLP ACRES: 40
SITE ADDRESS: 1725 NE 201ST AVE
MAIL ADDRESS: 1725 201ST AVE NE, BALDWIN, ND 58521
LEGAL: GLENVIEW TOWNSHIP Section 24 W1/2E1/2NW1/4 772217 24-141-80

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N
7/2/2024



PARCEL ID: 16-141-80-00-24-403 OWNER: STOLL HOLDINGS LLP ACRES: 40
SITE ADDRESS: 1725 NE 201ST AVE
MAIL ADDRESS: 1725 201ST AVE NE, BALDWIN, ND 58521
LEGAL: GLENVIEW TOWNSHIP Section 24 W1/2E1/2NW1/4 772217 24-141-80

Distance from property line to
corn maze 13'



From property line
to deer pens

POSTED
NO TRESPASSING
KEEP OUT



Distance of property line to corn
maze.



Property Line Marker





Corn maze - corn
planted east to west



Feist Property Line

corn maze

East

Looking East
From Feist Property Line

West



STOLL FARM
DOCUMENTATION

McMonagle, Marla M.

From: Baldwingreenhouse@outlook.com
Sent: Monday, June 10, 2024 12:30 PM
To: McMonagle, Marla M.
Subject: Request for a temporary variance approval for a corn maize

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

In September, Stoll Farms LLC would like to host the Coleman's Corn Maize. Length of the activity is weather dependent, but the goal is to start in late August and continue through October. The field is agriculture and the corn will be harvested. The location is zoned for agriculture. There is adequate parking, spiffy biffs on site,

The location is 1725 201st Ave NE, Baldwin, ND 58521. This address is also the location of the Baldwin Greenhouse & Nursery.

Since the current policy for special permits is in draft, I believe that this the current process to use. However, whatever the title, please present to the board for awareness?

The primary roads are Highway 83 and 201st street - both are paved and well cared for roads.

Please let me know if any additional information is needed?

As for the other activities, I will put together a better packet for the larger plan now that I have more information about the final plan for the new farmer program. I hope that the special permit issue will be resolved before August, so I can turn in the official request in September!

Thank for all you do!

Mary

Mary Podoll
Baldwin Greenhouse & Nursery volunteer
Americorp Member Strengthen ND
Strong Farm Incubator.

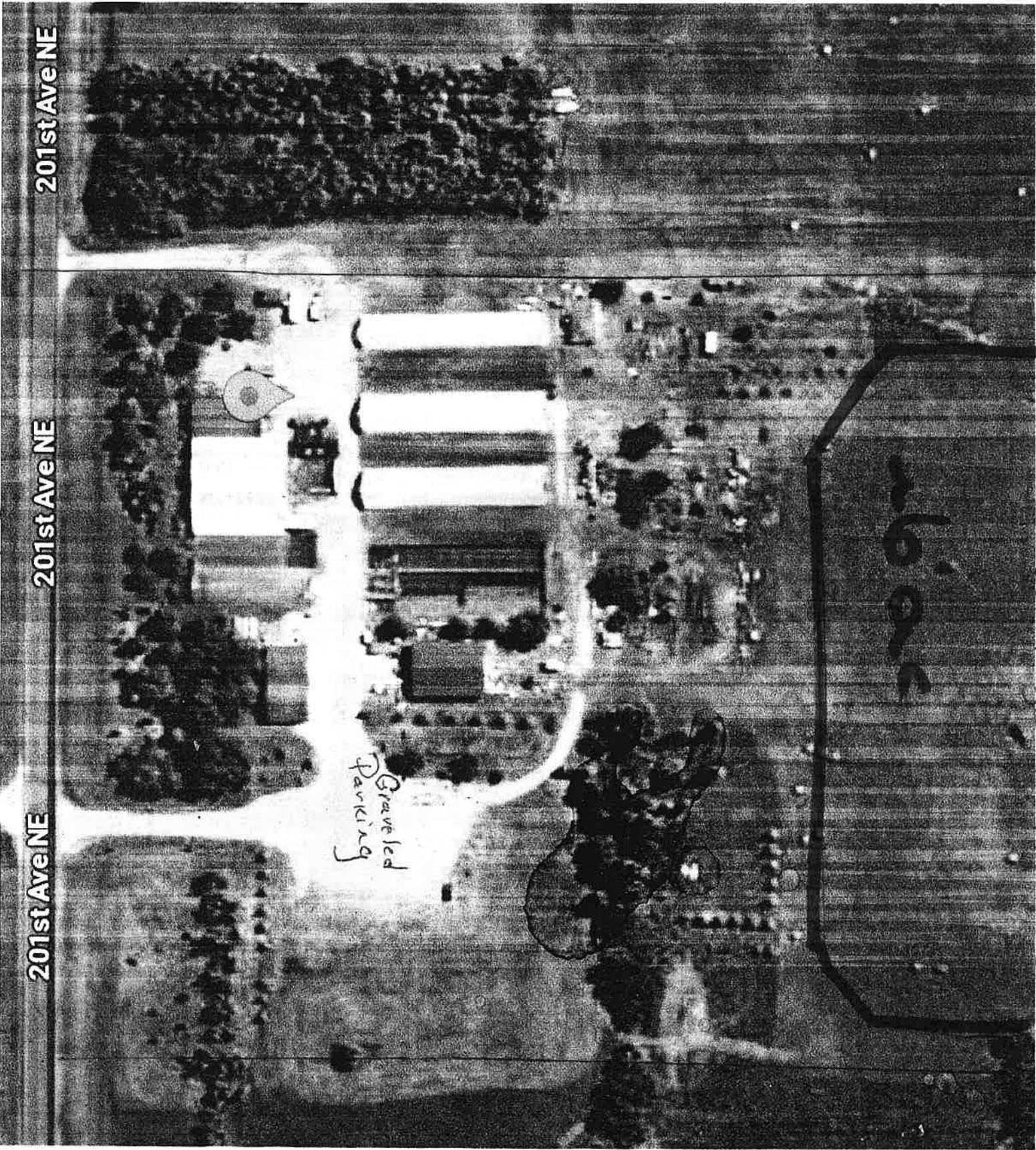
27

201st Ave NE

201st Ave NE

201st Ave NE

40 ACRES NOT TO SCALE NOT TO SCALE



corn maze in Ag Field

Fw: Special Use Permit Information needed

2 messages

Baldwingreenhouse@outlook.com <Baldwingreenhouse@outlook.com>
Reply-To: Baldwingreenhouse@outlook.com <Baldwingreenhouse@outlook.com>
To: Mary Podoll <mary@strengthennd.com>

Thu, Jun 20 at 8:02 PM

Yahoo Mail: Search, Organize, Conquer

----- Forwarded Message -----

From: "McMonagle, Marla M." <mmcmonagle@nd.gov>
To: "Baldwingreenhouse@outlook.com" <Baldwingreenhouse@outlook.com>
Cc: "Flanagan, Mitch" <mflanagan@nd.gov>
Sent: Thu, Jun 20, 2024 at 4:46 PM
Subject: Special Use Permit Information needed

Hi Mary,

I was looking over your site plan. I will need some addition information on the site plan and regarding your special use permit.

Can you show on the site plan the following?

*Stoll Farms LLC / Baldwin Greenhouse & Nursery
easily handled 400 on our busiest day.
Transactions
Families (most) Probably 2,000 people
4-8*

1. Show and label distances from the sides of the corn maze and property lines.
2. Show and label all walking pathways, parking areas, restrooms etc. If within 100' of the neighboring properties please show and list the distance. *ALL Greater than 100'*
3. Show and label distances from properties lines all parking areas and overflow parking areas.
4. Label all parking surfaces i.e. gravel, grass, etc. *GRAVEL*
5. If corn maze is to operated in the evenings, please show and describe lighting. *NOT at dark*

Here are the questions I have regarding the special use permit:

1. How many people do you plan to go through the maze? Per day? *? 1st Year -> 200 maybe*
2. Is there a limit to the amount of people per day in the maze?
3. Is there a limit to the amount of people in the maze at one time? *NOT AT this time*
4. What days and hours do you plan to operate the corn maze? Is it going to be every day, specific days of the week?
5. Is the maze going to operated at night, what are your lighting plans? *NA F, S, S - by the Coleman's*
6. What other activities/events will be associated with the corn maze? *M-Th by the Stoll's Food Truck on site*

I have attached some maps to help you with your site plan. Things do not have to be to scale, but I need a detailed site plan for the project. If you could get this information to me as soon as possible that would be great. I need to include as much information as possible for my staff report which is due on June 27th.

McMonagle, Marla M.

From: Mary Podoll <mary@strengthennd.com>
Sent: Monday, June 24, 2024 2:24 PM
To: Mary Podoll; Flanagan, Mitch; McMonagle, Marla M.
Subject: Re: Stoll Farms LLC Baldwin Greenhouse & Nursery special permit corn maze
Attachments: Mary Podoll mary@strengthennd.com.pdf

You don't often get email from mary@strengthennd.com. [Learn why this is important](#)

******* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *******

Good afternoon, I scanned documents for special permit information. It is titled with email address I used to copy-sorry about that.

The only area that may be closer than 100ft is the cropland field. However, there are a minimum of 7 rows of corn that create a sight and sound barrier for this neighbor, as he raises deer. With the corn maze being away from the property line.

We handled about 2000 people on Mothers Day with parking and food trucks. Parking is graveled, walk paths are mowed grass, and the last participants will be allowed no later than 30 minutes before sunset.

Clark Coleman and his family are running the corn maze on Friday-Sunday. They have been near the Buckstop Junction in the past. They have exhibited a professional and manageable agriculture related activity and I'm excited to work with them.

The township chair had no concerns, neighbors north and east and Baldwin community and Wilton Community are welcoming this activity. The neighbor with deer should be accustomed to people and noise, And we included a sound and sight barrier with 7 rows of corn that are not part of the maze...

I do not know how to estimate numbers, but we should be able to manage appropriately with day to day on site management and cooperation with the Coleman family.

Thank you!

Mary Podoll
701-391-7759

On Mon, Jun 24, 2024 at 2:06 PM Mary Podoll <mpodoll7@icloud.com> wrote:

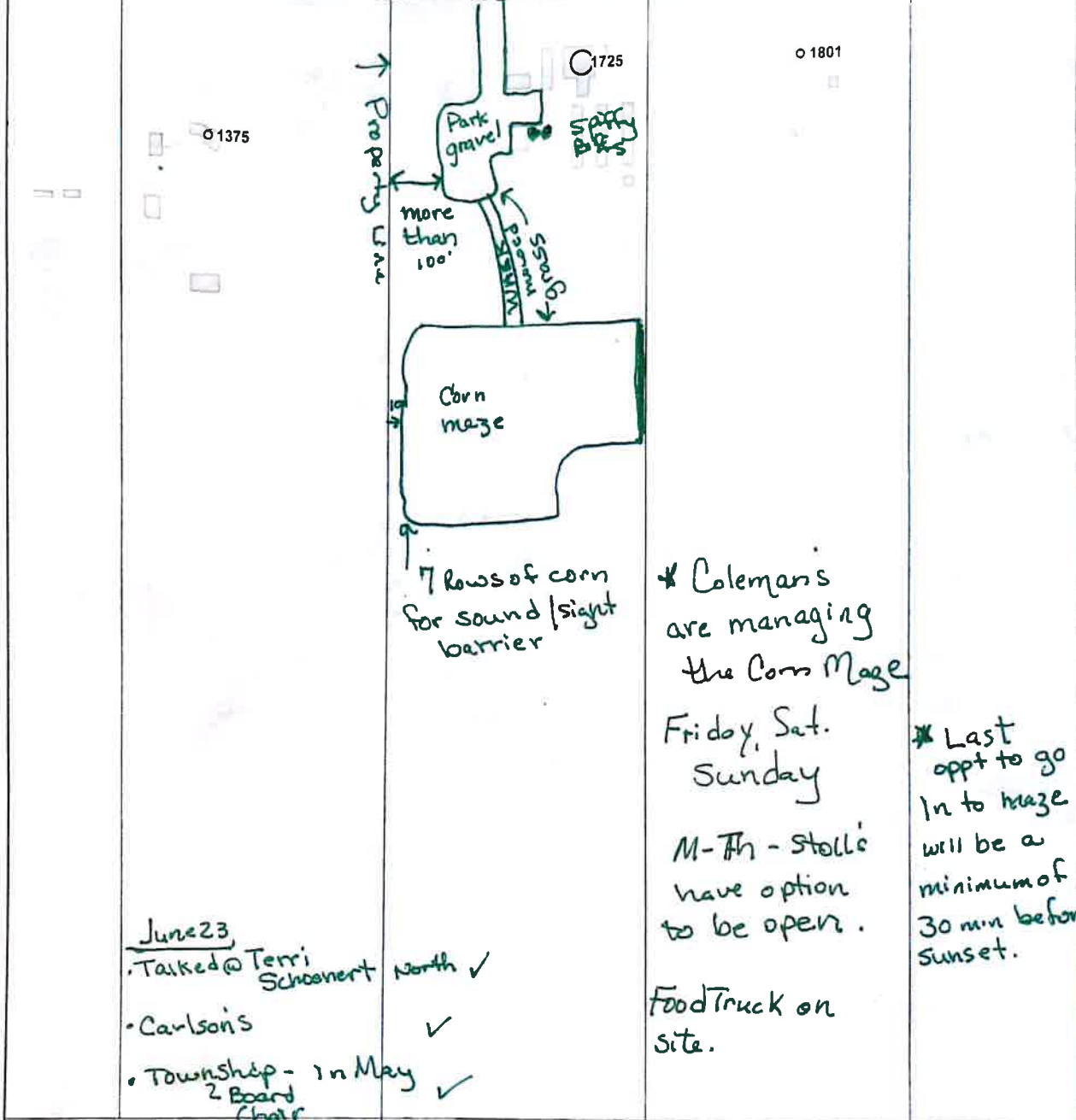
Sent from my iPhone

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

6/20/2024

01502
Stoll Farm LLC
Baldwin Greenhouse & Nursery

201ST AVE NE



* Coleman's are managing the Corn Maze

Friday, Sat. Sunday

M-Th - Stoll's have option to be open.

Food Truck on site.

* Last opt to go in to maze will be a minimum of 30 min before sunset.

- June 23
- Talked @ Terri Schoenert North ✓
- Carlson's ✓
- Township - in May ✓
2 Board Chair

If you need letters of support:

Wilton Mayor / Coleman's / People in Baldwin Area

Burleigh County, North Dakota

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

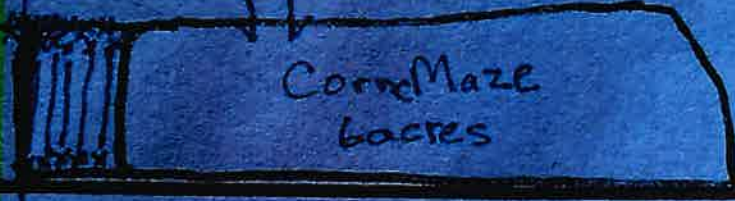
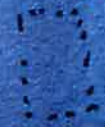
201st Ave

erial
photo



Parking

Porta
XX Potties



Corn Maze
6 acres

100'

100'

Free K

sign
for
sight
er

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

8/29/2024



- 3. Parking Areas > 100'
- 4. Graveled Parking
- 5. will NOT be operated after dark

Property Line ↓

Property Line ↓

★ There is a sound/sight barrier of 4 corn rows before the maze starts.

- 1. # People - unknown
- 2. No Limitations
- 3. Planned at this time
- 4. Friday, Saturday, Sunday, and weekdays M, T, TH } by the Coleman's
or by a ppt } by the Stoll's

6. Includes a maybe a food truck on site.

FEIST
DOCUMENTATION

Private Road

Pen 1 Pen 2

Pen 5 Pen 4 Pen 3

Proposed
CORN
MAZE

FEIST
JAMIE

WEDDE
SCOTT

Sat

2D

Hunt Map

Pen 3

CORN MAZE

6 feet from property line

5 feet from property line

2 feet from property line

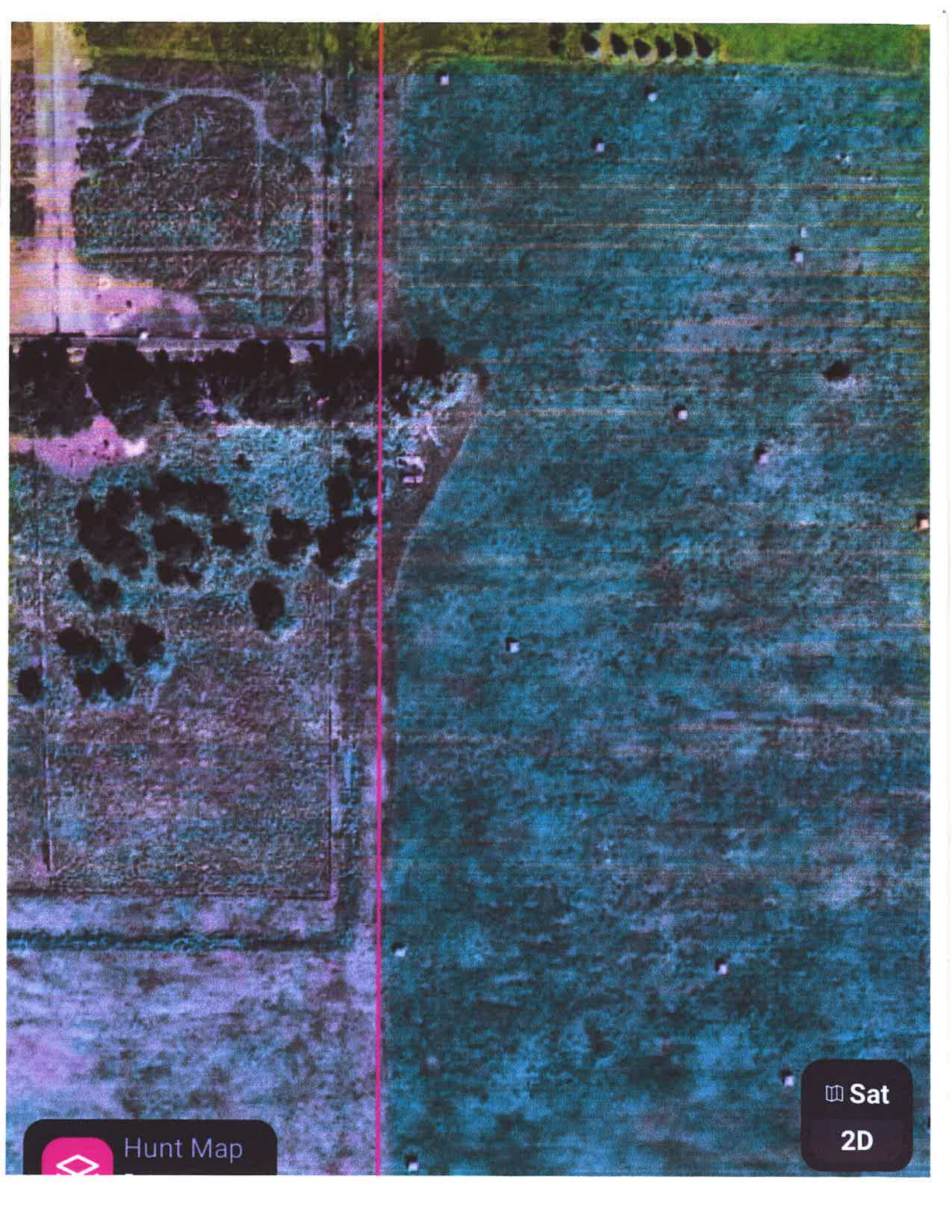
35 feet

privacy screen

Property Line

In 2023 ~~by~~ planted by Feist and trampled by seeding of corn maze from tractor driving around my no trespassing signs and along pen 3. 35' into my property.

multiple videos of tractor doing this during planting



 Hunt Map

 Sat
2D



Add line

Save



Undo

Drop Point

Line name

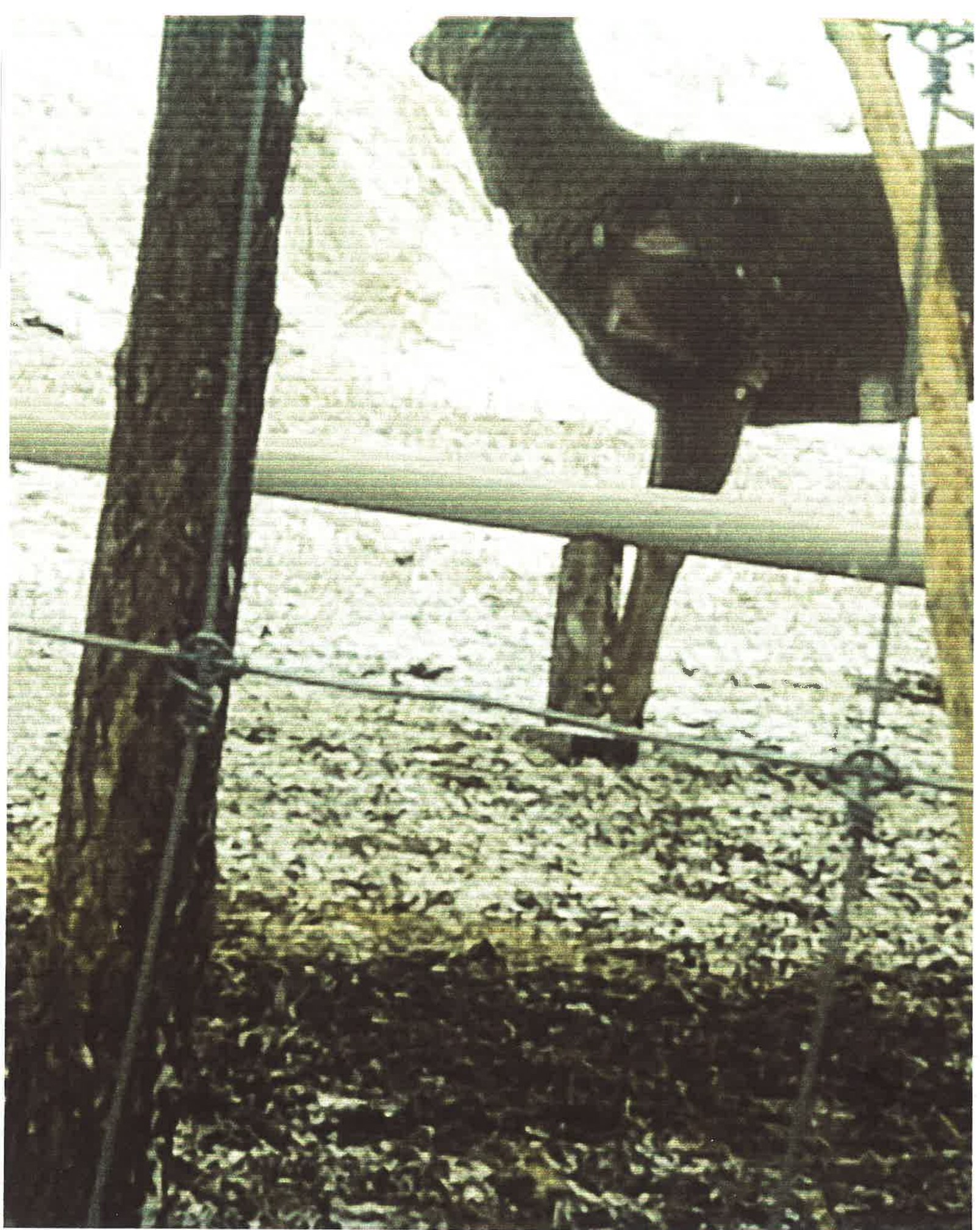
Save

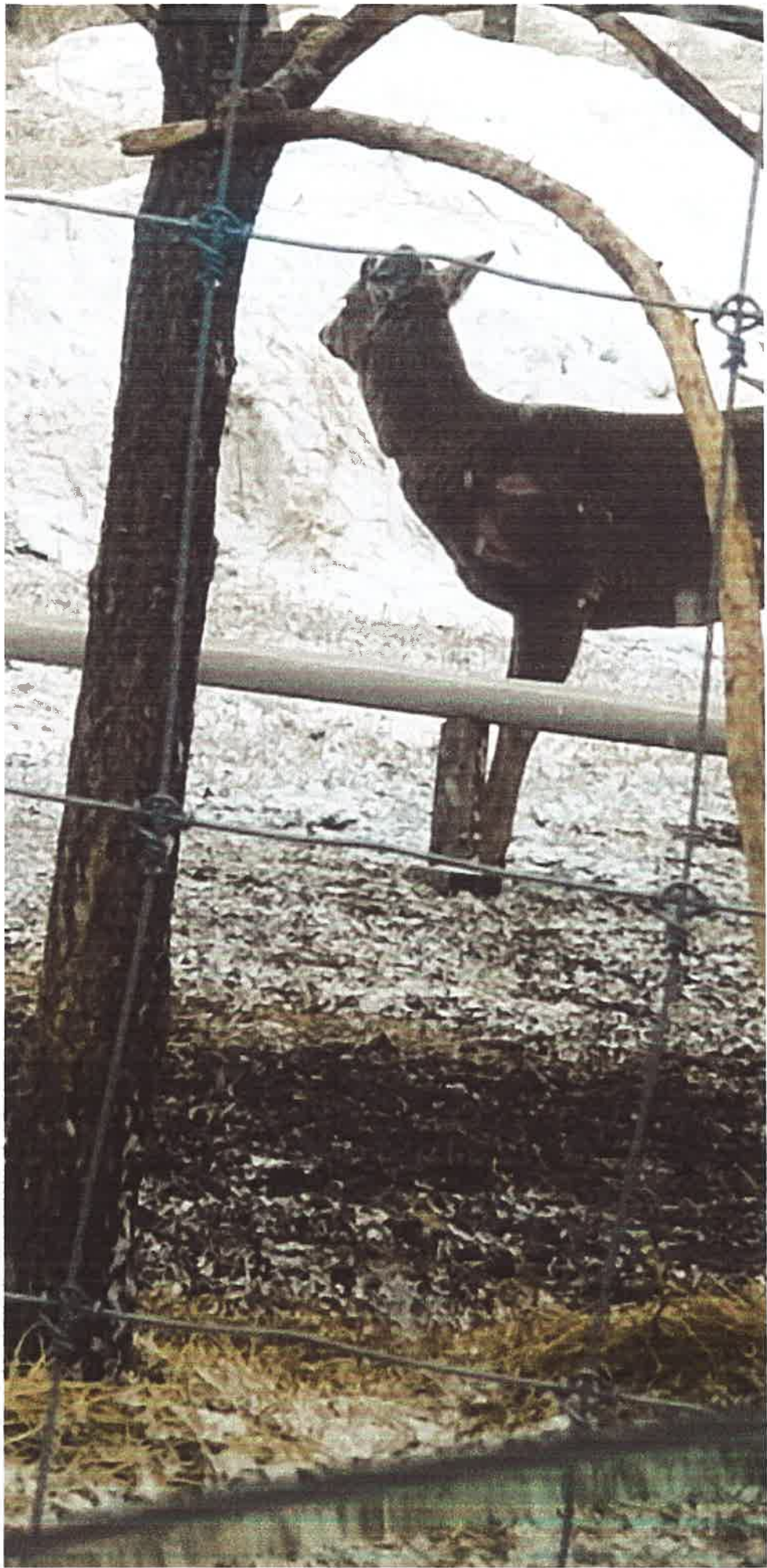












ITEM

8



BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43RD AVENUE NE
BISMARCK, ND 58503
701-204-7748
FAX 701-204-7749
www.burleighco.com

Request for County Board Action

DATE: August 19, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Developer Waiver Request

Please include this item on the next Burleigh County Board agenda.

ACTION REQUESTED:

Review and Direct the County Highway Department on how to proceed with the Developer's request.

BACKGROUND:

Under the current Pavement Policy, developers (owners of property that is being platted) are required to: "Proposed platted subdivisions will include the construction and paving of all internal roadways and adjacent section line roads, and the construction and paving of at least one roadway that connects into the existing paved highway system."

The Biegler's, in the SE $\frac{1}{4}$ of Section 29, Sterling Township (see attached map), is proposing a three (3) lot subdivision (Biegler Subdivision), and is requesting a waiver of the Pavement Policy. Under the Pavement Policy, the platting of this property would require them to re-construct and paving of 0.464 miles of County/Township roadways from the Subdivision to reach the pavement on US 83.

Waiving the Pavement Policy allows the County Board to approve the proposed plat without the developer re-constructing and paving the required roadways at this time. It does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future.

RECOMMENDATION:

It is recommended that the County Board adopt the attached proposed resolution.

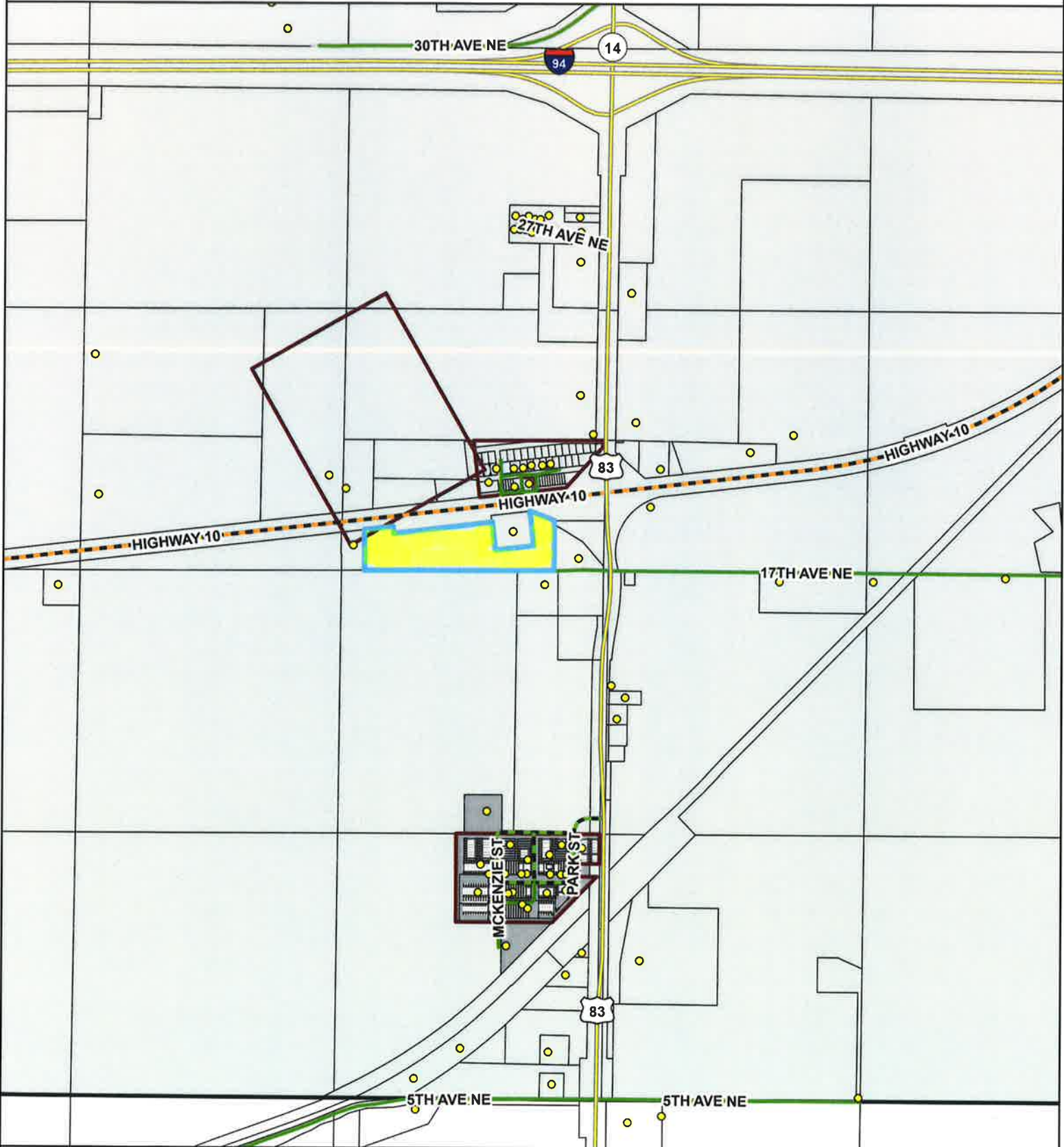
PROPOSED RESOLUTION:

THEREFORE BE IT RESOLVED: That the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future, and

THEREFORE, BE IT FURTHER RESOLVED: That the County Board of Commissioners do hereby grant the Biegler's request to waive the construction and paving requirements "*paving of all internal roadways and adjacent section line roads*" listed in the Pavement Policy, in conjunction with the approval of the Biegler Subdivision.

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

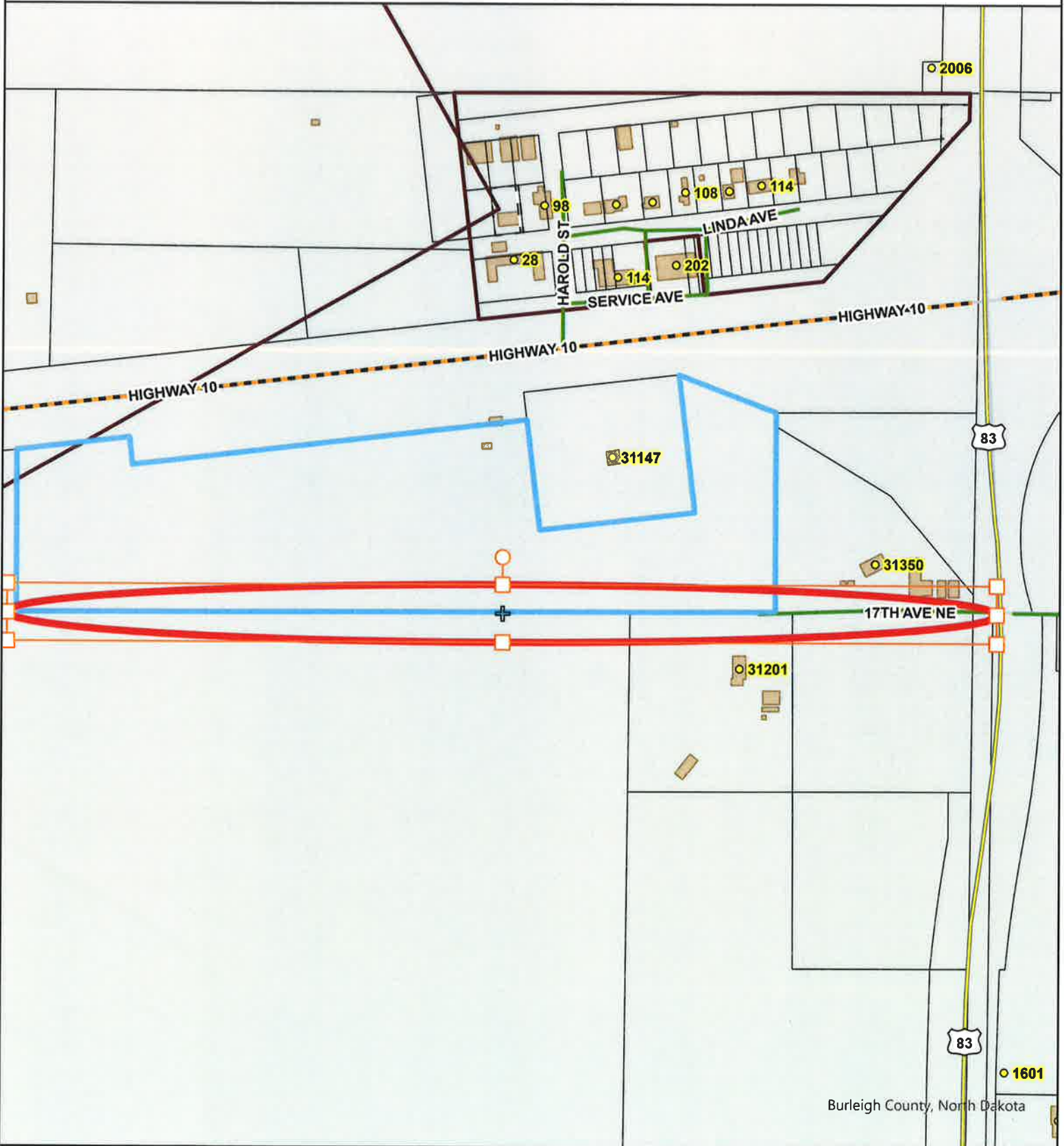
N
8/12/2024



PARCEL ID: 35-139-76-00-29-832 OWNER: BIEGLER, JOYCE ACRES: 17.58
SITE ADDRESS:
MAIL ADDRESS: RJ & KA BIEGLER LE 31302 5TH AVE NE, STERLING, ND 58572-9703
LEGAL: STERLING TOWNSHIP Section 29 LOT E LESS LOT E-1, LESS 1.02AC TRACT TO -830 29-139-76

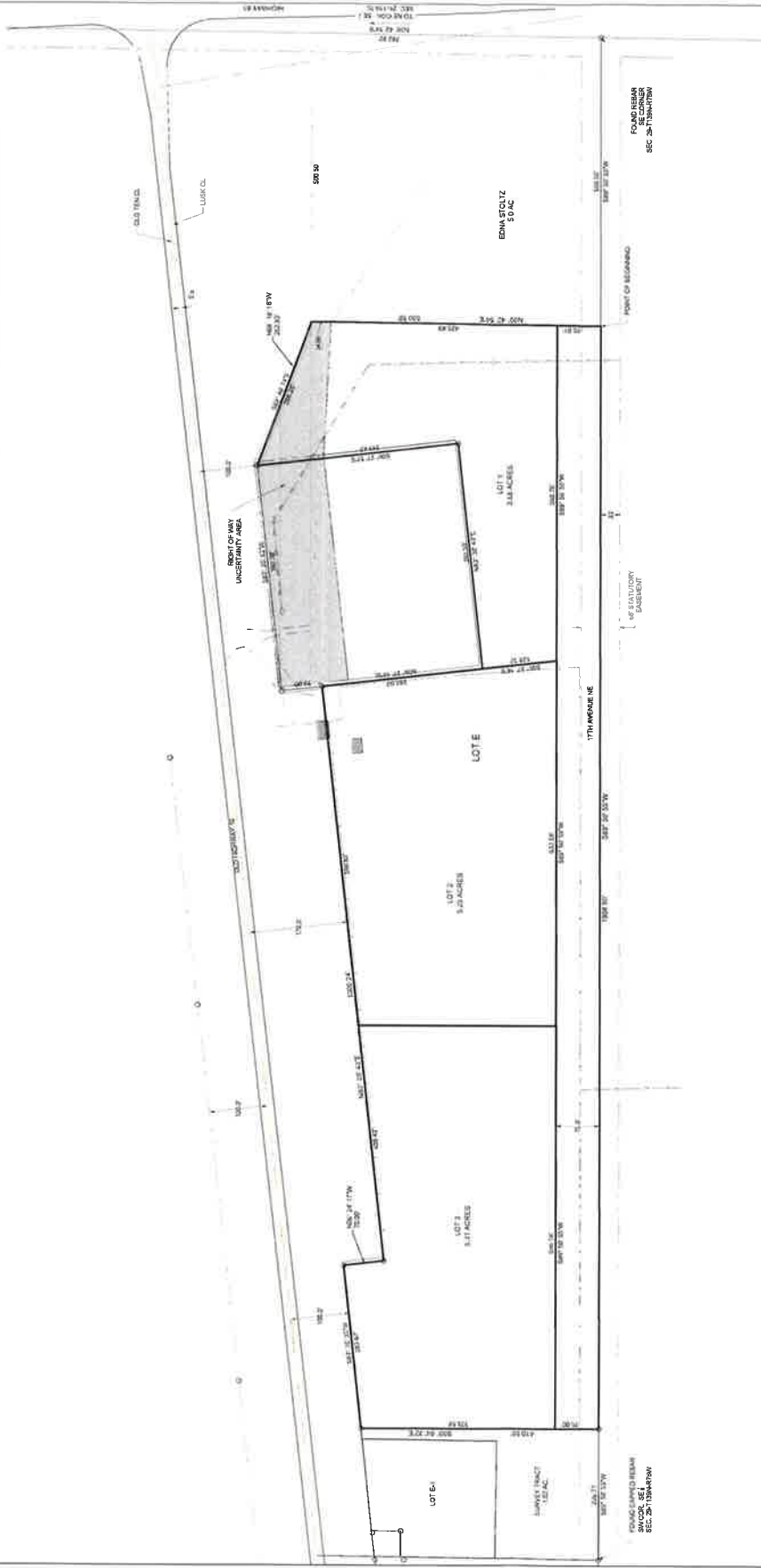
BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
8/12/2024



PARCEL ID: 35-139-76-00-29-832 OWNER: BIEGLER, JOYCE ACRES: 17.58
SITE ADDRESS:
MAIL ADDRESS: RJ & KA BIEGLER LE 31302 5TH AVE NE, STERLING, ND 58572-9703
LEGAL: STERLING TOWNSHIP Section 29 LOT E LESS LOT E-1, LESS 1.02AC TRACT TO -830 29-139-76

PRELIMINARY PLAT
BIEGLER SUBDIVISION
 PART OF AUDITOR'S LOT E IN THE SOUTHEAST QUARTER
 SECTION 29, T139N, R76W
 BURLEIGH COUNTY, NORTH DAKOTA



DATE: JAN 17, 2024
 VERTICAL CURVE: NONE
 BASED ON NORTH-DAKOTA SOUTH ZONE-NAD83 INTERNATIONAL FEET. ALL DISTANCES AND BEARINGS REPORTED BY PARTY FROM THE TRIMMED CURVE STATION AND ARE REPORTED IN RED.

PROFESSIONAL LAND SURVEYOR
 MARK R. ISAKSON, LS-9622

I L S S E	State of North Dakota Burleigh County Section 29, T139N, R76W	Mark R. Isakson License No. LS-9622 Exp. Date 12/31/2024 www.ndlsurveyors.com
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- NOTES**
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS RECORDS DUE TO DIFFERENCES IN MEASUREMENT METHODS.
 2. DISTANCES ARE REPORTED IN RED.
 3. DISTANCES ARE REPORTED IN RED.

ADVISOR
 DONNA L. SMITH, BIEGLER
 REALTOR
 STEELING, ND 58723



BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43RD AVENUE NE
BISMARCK, ND 58503
701-204-7748
FAX 701-204-7749
www.burleighco.com

Request for County Board Action

DATE: August 19, 2024

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Developer Waiver Request

Please include this item on the next Burleigh County Board agenda.

ACTION REQUESTED:

Review and Direct the County Highway Department on how to proceed with the Developer's request.

BACKGROUND:

Under the current Pavement Policy, developers (owners of property that is being platted) are required to: "Proposed platted subdivisions will include the construction and paving of all internal roadways and adjacent section line roads, and the construction and paving of at least one roadway that connects into the existing paved highway system."

Jacob Morrissette and Jason Cherney, in the NE ¼ of Section 5, Riverview Township (see attached map), is proposing a two (2) lot subdivision (Cherney Morrissette Subdivision), and is requesting a waiver of the Pavement Policy. Under the Pavement Policy, the platting of this property would require them to re-construct and pave 1.25 miles of County/Township roadways from the Subdivision to reach the pavement on ND 1804.

Waiving the Pavement Policy allows the County Board to approve the proposed plat without the developer re-constructing and paving the required roadways at this time. It does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future.

RECOMMENDATION:

It is recommended that the County Board adopt the attached proposed resolution.

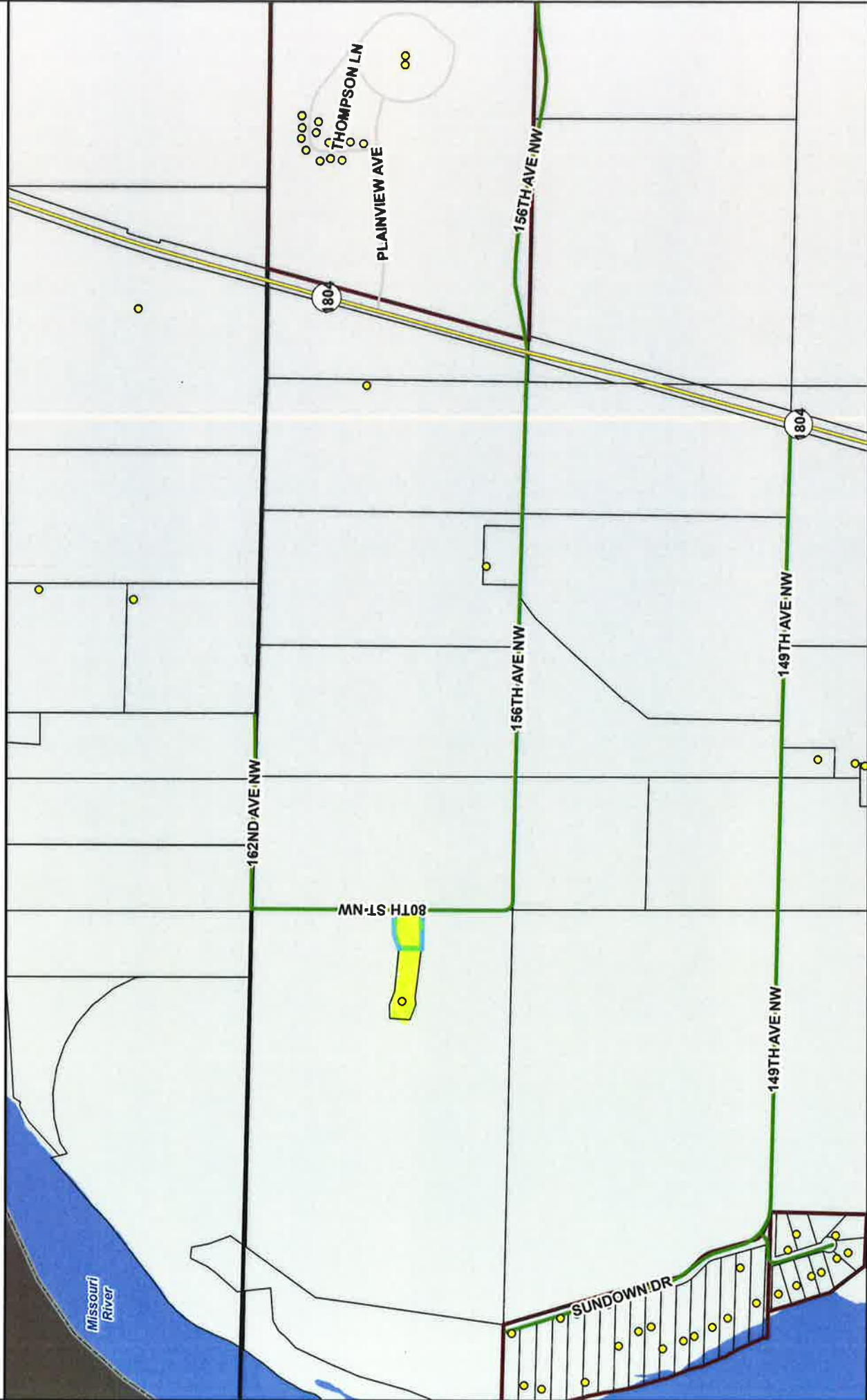
PROPOSED RESOLUTION:

THEREFORE BE IT RESOLVED: That the County Board of Commissioners do hereby recognize that the waiving of the Pavement Policy at this time is only to allow the proposed plat to be approved and does not preclude the County/Township from requiring the property owner from sharing in the cost to construct and pave these roadways (that benefit this property) in the future, and

THEREFORE, BE IT FURTHER RESOLVED: That the County Board of Commissioners do hereby grant the Biegler's request to waive the construction and paving requirements "*paving of all internal roadways and adjacent section line roads*" listed in the Pavement Policy, in conjunction with the approval of the Cherney Morrissettee Subdivision.

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
8/12/2024



PARCEL ID: 23-140-81-00-05-210 OWNER: MORRISSETTE, JACOB ACRES: 2.37

SITE ADDRESS: MAIL ADDRESS: 8131 RIDGELAND DR, BISMARCK, ND 58503

LEGAL: RIVERVIEW TOWNSHIP Section 05 A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 140 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP 140 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA; THENCE S00°01'41W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 1408.04', TO THE POINT OF BEGINNING. THEN

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

N
8/12/2024



PARCEL ID: 23-140-81-00-05-210 OWNER: MORRISSEWEE, JACOB ACRES: 2.37

SITE ADDRESS: MAIL ADDRESS: 8131 RIDGELAND DR, BISMARCK, ND 58503

LEGAL: RIVERVIEW TOWNSHIP Section 05 A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 140 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP 140 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA; THENCE S00°01'41W, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 1408.04', TO THE POINT OF BEGINNING. THEN

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

PRELIMINARY PLAT
CHERNEY MORRISSETTEE SUBDIVISION
 PART OF NORTHEAST QUARTER
 SECTION 5, T140N, R81W
 BURLEIGH COUNTY, NORTH DAKOTA



SCALE 1" = 50'
 0 25 50

DATE AUGUST 21ST, 2024
 VERTICAL DATUM: NAVD83
 HORIZONTAL DATUM: NAD83
 BASED ON NORTH DAKOTA SOUTH ZONE ADJUSTED INTERNATIONAL FEET
 HORIZONTAL DATUM: NAD83
 BY: FROM THE PLAT CALCULATION
 ANNUAL REPORT REQUIRED

PROFESSIONAL LAND SURVEYOR
 MARK R. BRACK, LICENSE #

CHERNEY MORRISSETTEE	INDEPENDENT
PLAT	LAND
SURVEYING & ENGINEERING	
BURLEIGH, NORTH DAKOTA	

4175 5th Ave NW
 Fargo, ND 58103
 Phone: (701) 785-0000
 Fax: (701) 785-0001
 www.brackland.com

- NOTES:
1. THIS PLAT IS BASED ON THE RECORDS OF THE SURVEYOR'S FIELD BOOKS AND RECORDS TO DIFFERENT METHODS OF SURVEYING.
 2. THE PLAT IS BASED ON THE RECORDS OF THE SURVEYOR'S FIELD BOOKS AND RECORDS TO DIFFERENT METHODS OF SURVEYING.
 3. THE PLAT IS BASED ON THE RECORDS OF THE SURVEYOR'S FIELD BOOKS AND RECORDS TO DIFFERENT METHODS OF SURVEYING.

OWNER:
 JACOB MORRISSETTEE
 1000 1ST AVENUE
 BRANCK, ND 58401
 JASON C. & JARAHIL CHERNEY
 1000 1ST AVENUE
 BRANCK, ND 58401