

# PUBLIC NOTICE

## NOTICE OF PUBLIC HEARING BY THE BOARD OF CITY COMMISSIONERS

CITY OF BISMARCK NORTH DAKOTA

Notice is hereby given that the Bismarck City Commission will conduct a public hearing on Tuesday, July 9, 2019, at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota, on the following:

• Public Hearing on a Class E liquor license transfer from Starnart Travel Center to Pilot Travel Centers, LLC.

Notice is further given that the Bismarck City Commission will consider said matter and hear testimony and evidence to persons interested therein.

## BOARD OF CITY COMMISSIONERS

Bismarck, North Dakota

Attest: Jason Tomanek

Assistant City Administrator

6/27 - 20976216

STATE OF NORTH DAKOTA  
IN DISTRICT COURT  
COUNTY OF BURLEIGH  
SOUTH CENTRAL JUDICIAL DISTRICT  
IN THE MATTER OF THE PROBATE OF  
THE ESTATE OF  
CATHERINE SEIDLER, DECEASED.

### NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed co-personal representatives of the above-named estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication of this notice or said claims will be forever barred. Claims must either be presented to Douglas Seidler and Rita Charlebois, co-personal representatives of the estate, Catherine Seidler, c/o Wheeler P.O. Law Firm, Attorneys for the Estate, P.O. Box 1776, Bismarck, North Dakota, or filed with the Court.

Dated this 7th day of May, 2019.

/s/Douglas Seidler

Douglas Seidler

/s/Rita Charlebois

Rita Charlebois

WHEELER WOLF

Attorneys for Personal Representative

220 North Fourth Street

P.O. Box 1776

Bismarck, ND 58502-1776

Phone: (701)751-1776

6/20, 27 & 7/3 - 20975063

Bismarck-Mandan

Metropolitan Planning Organization

### Public Comment Notice

#### Public Involvement in Proposed

#### Modifications to the Bismarck-Mandan

#### Metropolitan Planning Organization

#### (MPO) Title VI Non-Discrimination/ADA

#### Program Access Plan

Notice is hereby given that the public will have until **5pm Friday, July 12, 2019** to provide comment on the FY2019 Goals and Accomplishments to be included in the Bismarck-Mandan MPO Title VI Non-Discrimination/ADA Program Access Plan. The purpose of the Title VI Non-Discrimination/ADA Program Access Plan is to identify the MPO's responsibilities in complying with Title VI of the Civil Rights Act of 1964 and all related regulations and statutes; the Americans with Disabilities Act of 1990, and/or Section 504 of the Rehabilitation Act of 1973, and all related regulations and statutes. The purpose of the public comment period is to provide an opportunity for public involvement in reviewing the proposed modifications to the Title VI Non-Discrimination/ADA Program Access Plan.

Furthermore, the public is notified that the proposed Title VI Non-Discrimination/ADA Program Access Plan will be available to view on the MPO web page at [www.bismarcknd.gov/MPO](http://www.bismarcknd.gov/MPO) beginning Thursday, June 27, 2019 and will also be available for citizens to review at the Bismarck Community Development Office, 221 North 5th Street, Bismarck, North Dakota, beginning Thursday, June 27, 2019.

The public is invited to submit written comments to the Bismarck-Mandan Metropolitan Planning Organization no later than **5:00 pm, Friday, July 12, 2019** to P.O. Box 5503, Bismarck, North Dakota, 58506. Written comments should be directed to Kim Riepl and faxed to (701) 222-6450 or sent to the above address. Written comments may also be submitted via e-mail to [kriepl@bismarcknd.gov](mailto:kriepl@bismarcknd.gov). E-mail comments should be identified as public input on the proposed modifications to the Title VI Non-Discrimination/ADA Program Access Plan. Contact Kim Riepl, Bismarck-Mandan MPO Transportation Specialist, at (701) 355-1840 for additional information.

To request accommodations for disabilities and/or language assistance, contact Title VI/ADA Coordinator, 701-355-1332 or [mipo@bismarcknd.gov](mailto:mipo@bismarcknd.gov). TTY users may use Relay North Dakota at 711 or 800-366-6888.

6/27 - 20975860

## To Place a Legal Advertisement

Call 355-8816 or

Fax 250-0195 or Email

[leals@bismarcktribune.com](mailto:leals@bismarcktribune.com)

IN THE STATE OF NORTH DAKOTA,  
COUNTY OF BURLEIGH  
IN THE DISTRICT COURT,

SOUTH CENTRAL JUDICIAL DISTRICT  
Servion, Inc. F/K/A C.U. Mortgage Services,  
Inc.,  
Plaintiff,

v.  
Brent C. Gallagher, and any person in possession, and all persons unknown, claiming any estate or interest in, or lien or encumbrance upon, the real estate described in the complaint,  
Defendants.

CIVIL NUMBER: 08-2019-CV-00889

### NOTICE OF REAL ESTATE SALE

1. Judgment in the amount of \$108,637.85, having been entered in favor of Plaintiff and against Defendants, which Judgment was filed with the Clerk of Courts of Burleigh County, North Dakota, on May 28, 2019, for the foreclosure of a real estate mortgage.

2. Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated August 7, 2013, which Mortgages, Brent C. Gallagher, executed and delivered to Capital Credit Union. Lots 9 and 10, Block 36, Fisher Addition to the City of Bismarck, Burleigh County, North Dakota.

1214 North 17th Street, Bismarck, ND 58501

and recorded in the office of the Clerk and Recorder of Burleigh County, North Dakota, on August 12, 2013, Instrument Number 793003. Said Mortgage was assigned to Plaintiff, its successors or assigns, by Assignment of Mortgage recorded August 12, 2013, Instrument Number 793004.

3. In order to realize the amount of \$108,637.85, as of May 28, 2019, plus interest accruing thereafter on said amount at the rate of 4.875000% per year together with the costs and expenses of sale, will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to the lien for unpaid real estate taxes and assessments of Burleigh County, North Dakota, and easements and restrictions of record, to the highest bidder for cash under the direction of the Sheriff of Burleigh County, North Dakota, at the main entrance of the Burleigh County Courthouse located at 514 East Thayer Avenue, Bismarck, North Dakota 58502-1055, on July 31, 2019 ("Sale Date"), at 10:00 AM.

4. If the sale is set aside for reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

DATED this 13th day of June, 2019.

SHERIFF OF BURLEIGH COUNTY

/s/ Kelly Leben

By: /s/ Troy A. Flek

Sheriff /Deputy Sheriff of Burleigh

Halliday, Watkins & Mann, P.C.

By /s/ Benjamin J. Mann

Benjamin J. Mann

Attorneys for Plaintiff

376 East 400 South, Suite 300

Salt Lake City, UT 84111

801-355-2886

Email: [benjamin@hwlawfirm.com](mailto:benjamin@hwlawfirm.com)

Bar: 08371

6/20, 27 & 7/5 - 20974975

### ADVERTISEMENT FOR BIDS

The McLean County Water Resource District will receive sealed Bids for the construction of the Painted Woods Lake Alternative 3A - Phase I Project, in the Commissioner's Meeting Room at the McLean County Courthouse, 712 5th Avenue, Washburn, ND 58577, until 10:00 a.m. local time on July 22, 2019, at which time the Water Resource District will publicly open and read all Bids timely and properly submitted. The Project consists of constructing approximately 0.4 miles of new ditch that includes spoil banks, intercept culverts, a sheetpile weir, a concrete low water crossing, a new field approach, wildlife habitation areas, seeding and other related items.

The Water Resource District will receive Bids for a single prime Contract. Bids must be on a unit price basis.

Digital project bidding documents will be available at [www.mooreengineeringinc.com](http://www.mooreengineeringinc.com) by clicking the Bid Information tab, or at [www.questcdn.com](http://www.questcdn.com). You may download the complete set of digital documents for a non-refundable fee of \$20.00 by locating eBidDoc™ Number 6417551 on the website. Please contact QuestCDN.com at 952-233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance in membership registration, downloading and working with this digital project information.

Each bid must be accompanied by a separate envelope containing a BIDDER's bond in a sum equal to 5% of the full amount of the BID, executed by the BIDDER as principal and by a surety, conditioned that if the principal's BID is accepted and a CONTRACT is awarded to the principal, the principal, within 10 days after notice of the award, shall execute a CONTRACT in accordance with the terms of the BID and the BID bond, as required by law and the regulations and conditions of the Water Resource District. **ALL BID BONDS MUST BE ON THE BID BOND FORM INCLUDED IN THE BIDDING DOCUMENTS.** The surety must be licensed to do business in North Dakota, and must be listed as a certified surety in the U.S. Department of the Treasury's Circular 570.

Each bidder must possess a valid North Dakota contractor's license for the full amount of their bid, as required by N.D.C.C. § 43-07-07. Each BIDDER must enclose a

copy of their Contractor's License or Certificate of Renewal, issued by the North Dakota Secretary of State, in their bid bond envelope, and each license must be valid and dated at least 10 days prior to the date set for bid opening, as required under N.D.C.C. § 43-07-12.

The Water Resource District will not read or consider any bid that does not fully comply with the requirements above, or the requirements of N.D.C.C. § 48-01.2-05. The Water Resource District will resell any deficient bid submitted and return it to the bidder immediately.

All BIDs will be made on the basis of cash payment for such WORK. After BID opening the OWNER will return the BID bonds to all BIDDERS except the three lowest responsible BIDDERS. When the Water Resource District awards a contract to the lowest responsible bidder, the Water Resource District will return the BID bonds the remaining BID bonds to the other two BIDDER's. The Water Resource District reserves the right to reject any or all BIDs and to rebid the Project until a satisfactory bid is received. The Water Resource District reserves the right to hold the three low BIDs for a period of 60 days after the date of the BID opening.

Dated this 14th day of June 2019.

Lynn Oberg, Chairman

McLean County Water Resource District

PO Box 1101

Washburn, ND 58577

6/27, 7/3 & 11 - 20975856

### CHAPTER 13-03 (WEED CONTROL)

13-03-01. Authority.

1. The City Forester shall have the duties and authority as provided by this section.

2. All weeds, tall grasses exceeding (8) eight inches in height, and unhealthy vegetation exceeding eight (8) inches in height growing within the limits of the city are hereby declared to be a public nuisance. It shall be the duty of every person owning, occupying, or in charge of any premises, lot or parcel of land in the city to keep that premises, parcel or lot, including the adjacent rights-of-way, berms and boulevards free from all weeds, long grasses and unhealthy vegetation by cutting or destroying them at all times during the growing season. Medians separating street sections shall not be included in the requirements of this section.

3. "Weeds" as used in this chapter shall include all weeds contained in North Dakota Administrative Code Section 7-06-01-02 as it defines "noxious weeds."

4. "Tall grasses" shall mean all weeds not contained in North Dakota Administrative Code Section 7-06-01-02 in excess of eight (8) inches in height and all grasses in excess of eight (8) inches in height. Tall grasses may be used for ornamental plantings subject to the following conditions:

a. Tall grasses may not be used as lawn cover.

b. Tall grasses may not be planted on the public right-of-way without the written permission of the city traffic engineer.

c. Tall grasses may not be planted or maintained within a sight triangle, as defined by Section 14-02-03, in excess of thirty-six (36) inches in height above the adjacent curb level.

d. Plantings of tall grasses must be maintained in a weed free condition.

5. "Unhealthy vegetation" shall include, but not be limited to the following:

a. Volunteer trees capable of being cut with mowing equipment.

b. Ornamental plantings overgrown with weeds.

(Ord. 5487, 03-14-06; Ord. 5715, 04-28-09; (Ord. 6039, 04-08-14; Ord. 6156, 10-13-15; Ord. 6202, 04-26-16)

13-03-02. Control/Duty. It is the duty of every person owning, occupying or in charge of any premises, lot or parcel of land to cut, eradicate or control any weeds, tall grasses exceeding (8) eight inches in height, and unhealthy vegetation exceeding eight (8) inches in height, to prevent them from becoming a public nuisance.

(Ord. 6039, 04-08-14)

13-03-03. Notice by Publication of Ordinance. It shall be the duty of the City Forester to cause a notice of the contents of this chapter to be published in the official newspaper of the City once within three days of May 1 and May 15 and once again within three days of June 15 and July 1. These publications shall serve as notice to all landowners, occupants or persons in charge of land of the requirements of this chapter. These publications shall also serve as the official notice to property owners to cut weeds, tall grass and unhealthy vegetation. Other methods of notification, such as the media and City of Bismarck's website may also be used to notify landowner, occupants or persons in charge to control weeds, tall grass and unhealthy vegetation.

(Ord. 5487, 03-14-06); (Ord. 6039, 04-08-14; Ord. 6156, 10-13-15; Ord. 6202, 04-26-16)

13-03-04. Eradication, Cutting or Control of Weeds, Tall Grasses and Unhealthy Vegetation by the City Forester. At a minimum, all property shall be mowed by June 1, mowed again by July 1, mowed again by August 1 and, if necessary, mowed again by September 1 of each year to comply with the provisions of this chapter. The City Forester may order more frequent cuttings, eradication or controlling of weeds, tall grass and unhealthy vegetation if necessary for compliance with this chapter and such notice may be given in person, via tele-

phone or by letter.

1. Whenever any person, firm or corporation owning, occupying or in charge of any premises, lot, or parcel of land within the city, shall fail, neglect or refuse to mow the property at least once by June 1, again by July 1 and again by August 1 of each year in accordance with the provisions of this section or shall fail to eradicate, cut or control weeds, tall grasses or unhealthy vegetation within 7 days of receipt of notice from the City Forester, the City Forester shall order the nuisance to be abated by eradicating, cutting or controlling the weeds, tall grasses or unhealthy vegetation in a manner as specified by the City Forester, if the City Forester has first complied with the notice requirements of this Section and Section 13-03-03.

A person, firm or corporation notified of impending City action may cause the eradication, cutting or control of the weeds, tall grasses or unhealthy vegetation at any time before the City eradicates, cuts or controls the weeds, tall grasses or unhealthy vegetation located on the property or may appeal the order of the City Forester in writing to the Office of City Administration within five (5) days of receipt of notice or posting of notice from the City Forester to eradicate, cut or control the weeds, tall grasses or unhealthy vegetation. The appeal shall be heard by the Board of City Commissioners at their next scheduled meeting. (Ord. 5487, 03-14-06); (Ord. 6039, 04-08-14; Ord. 6156, 10-13-15; Ord. 6202, 04-26-16)

13-03-04.1. Exemptions From Cutting or Mowing. A property may be exempt from the cutting or mowing requirements listed in this Chapter if such exemption is approved by the City Forester based upon his/her conclusion that an exemption is warranted due to safety concerns, environmental concerns, aesthetic benefits or economic efficiency. Conditions or situations in which such an exemption may be granted shall include but not be limited to property that:

1. Cannot be safely mowed.
2. Is highly erodible.
3. Is undevelopable.
4. Is located in an undisturbed natural area.
5. Is densely wooded.
6. Is too wet to mow, such as marsh, wetland or storm water drainage, pond, or feature, either natural or man-made.
7. Is zoned agricultural or is legally used for bona-fide agricultural practices.

(Ord. 6039, 04-08-14; Ord. 6156, 10-13-15; Ord. 6202, 04-26-16)

13-03-05. Costs Assessed Against Property. When the City has affected the eradication, cutting or control of weeds, tall grasses or unhealthy vegetation, or has contracted for and paid for the eradication, cutting or control of the weeds, tall grasses or unhealthy vegetation, the actual costs thereof, including an administrative fee as approved by the city commission, must be charged and assessed against the property upon which the weeds, tall grasses or unhealthy vegetation were eradicated, cut or controlled. An assessment list showing the costs against each lot or tracts to be assessed shall be prepared as are other special assessment lists and shall be approved by the Board of City Commissioners. All procedures under state law for certification, appeal, payment and collection of special assessments shall apply.

(Ord. 6039, 04-08-14; Ord. 6374, 04-09-19)

13-03-06. Cooperation. Nothing in this chapter shall in any way affect the City's ability to levy for weed and tall grass control nor prevent the City from contracting with or cooperating with any other board or jurisdiction for the control of weeds, tall grasses or unhealthy vegetation. The City Forester may delegate all or some of the duties required under this section to a member or members of the Public Works staff.

Source: Home Rule Charter for the City of Bismarck, Article 3 and NDCC Chapter 63-01-1; (Ord. 6039, 04-08-14; Ord. 6156, 10-13-15; Ord. 6202, 04-26-16)

4/29, 5/13, 6/13 & 27 - 20969320

### HOLIDAY DEADLINES

PUBLISH BY	RECEIVE BY
Fri. July 5 . . . . .	Mon. July 1 Noon
Sat. July 6 . . . . .	Tues. July 2 Noon
Mon. July 8 . . . . .	Tues. July 2 3 PM
Tues. July 9 . . . . .	Wed. July 3 Noon

*We will be closed Thursday, July 4th & Friday, July 5th in observance of Independence Day. Have a safe holiday!*

## PUBLIC NOTICES

A public notice is information informing citizens of government activities that may affect the citizens' everyday lives.

Public notices have been printed in local newspapers, the trusted sources for community information, for more than 200 years.