



Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, November 10, 2020 at 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

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

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

Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments for public hearing items on the Bismarck City Commission agenda via email to admin@bismarcknd.gov. The item will be sent to the members, as well as placed with the minutes.

To ensure your comments are received prior to the meeting, please submit them by 3:30 p.m. on the day of the meeting and reference the item your comments address. If you would like to appear via video or audio link for a 3-5 minute comment on a public hearing item, please provide your e-mail address and contact information to the above e-mail at least 1 business day before the meeting. The physical meeting room will be open to the public, but we certainly understand the public wishing to limit their exposure at this time but still participate in government.

As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access at 102.5 FM Radio, or stream FreeTv.org and RadioAccess.org. Agenda items can be found online at www.bismarcknd.gov/agendacenter.

Future City Commission meetings are scheduled as follows:

- November 24, 2020
- December 8 & 22, 2020
- January 12 & 26, 2021

MISSION STATEMENT

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

MEETING OF THE BOARD OF CITY COMMISSION

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

Documents:

MN102720.pdf
SM102120.pdf
SM102220.pdf

3. CONSENT AGENDA

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

Documents:

[HR Personnel Report.pdf](#)

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

- 1. Approve a letter of support for the Fort Abraham Lincoln Foundation to apply for a loan through the Flex PACE program.
- 2. Approve the following liquor licenses:

- 40 Steak and Seafood – 1401 Interchange Ave.
- Bismarck Eagles Club #2237 – 313 N. 26th St.
- JL Beers – 217 N. 3rd St.
- Longhorn Steakhouse – 1070 E. Interstate Ave.
- Our Place Tavern – 1305 E. Front Ave.
- Peacock Alley – 422 E. Main Ave.
- Sickies Garage – 3130 N. 14th St.
- Space Aliens Grill & Bar – 1304 E. Century Ave.
- Tap In Tavern – 601 Memorial Highway

Documents:

[\(C\) ADMIN - Liquor License Renewal.pdf](#)
[\(C\) ADMIN - Heritage River Landing.pdf](#)

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

Item #1 has been pulled from the agenda at the department's request.

- 1. Accept donation from MDU for the construction of the Electrical Vehicle charging station.
- 2. Approve Change Order #3 to the agreement with Weisz & Sons for Northwest Detention Area.

Documents:

[\(C\) AIR - Northwest Detention Area.pdf](#)

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

- 1. Approve the Second Amendment to the Bismarck Municipal Court Indigent Defense Contract.
- 2. Ratify the Oct. 26, 2020 State of Emergency Declaration relating to COVID-19 by President Bakken and extend its effect to Nov. 25, 2020.

Documents:

[\(C\) ATTY - Indigent Defense Contract.pdf](#)
[\(C\) ATTY - Emergency Declaration.pdf](#)

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

- 1. Introduction of and call for a public hearing on Ordinance 6443, a zoning change from the RR-Rural Residential zoning district to the Planned Unit Development (PUD) zoning district for Auditor's Lot A of Lot 1B of Lot 1; and Auditor's Lot 1A of Lot 1 and Auditor's Lot B of Lot 1B of Lot 1, Block 1, Dauenhauer Addition, requested by Sheldon and Katrina Sivak. The Bismarck Planning and Zoning Commission recommends approval.
- 2. Approve the modified major subdivision final plat for Heritage Ridge Second Addition, requested by

- Benchmark Developments, LLC.
3. Approve bid for new flooring at Dacotah Foundation's Alternative Care Services Center, funded with a previously awarded 2019 Community Development Block Grant.

Documents:

- (C) CD - Dauenhauer Addition Zoning Change.pdf
- (C) CD - Revised Heritage Ridge Second Addition.pdf
- (C) CD - New Flooring.pdf

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

1. Approve an access easement at Lot 12 Block 1 Highland Acres Addition and at Lots 1-2, Block 1 Torrance Hill Addition.
2. Approve three access easements for sections of Silver Ranch Second and Third Additions.
3. Approve an encroachment agreement for Our Savior's Evangelical Lutheran Church, on 1615 N. 18th St.
4. Approve a private utility and private drive agreement with Premier Homes, Inc., for James Dr.
5. Approve a private utility and private drive agreement with Verity Homes of Bismarck, LLC., for Stoneridge Addition Second Replat.
6. Approve Contract Change Order No. 1, for a time extension, for Sewer Utility Project SU 76.
7. Approve Contract Change Order No. 1, for a time extension, for Street Improvement District No. 535.
8. Approve the endorsement of the NDDOT Maintenance Certification.

Documents:

- (C) ENG - Highland Acres.pdf
- (C) ENG - Silver Ranch.pdf
- (C) ENG - 18th Street.pdf
- (C) ENG - James Drive.pdf
- (C) ENG - Stoneridge Addition.pdf
- (C) ENG - SU 76.pdf
- (C) ENG - SI 535.pdf
- (C) ENG - NDDOT Certification.pdf

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

1. Application for abatement at 1905 Harbor Dr., Duncan & Shauna Ackerman, Error in Value, 2020.
2. Application for abatement at 723 Aspen Ave., Daniel & Joyce Ann Hessman, Deferred Maintenance, 2020.
3. Introduction of and call for a public hearing on the Amended 2021 Budget Ordinance. This is a clerical correction of the City's ordinance only and does NOT change the approved budget appropriation from September 22, 2020 and the budgeted amount of taxes to be collected by the City.

Documents:

- (C) FIN - Abatements.pdf
- (C) FIN - Amended 2021 Budget.pdf

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

1. Approve contract change order with Reed Constructors for repairs in the training building.
2. Grant permission to Emergency Management to recycle old siren activation equipment.
3. Grant permission to the Fire Department to receive a donation from Lowes.

Documents:

- (C) FIR - Change Order.pdf
- (C) FIR - Emergency Management Recycling .pdf
- (C) FIR- Donation.pdf

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

1. Grant permission to auction a vehicle from the investigations section.

Documents:

(C) PD - Vehicle for Sale.pdf

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

1. Approve Change Order 1 to the agreement with Western Edge Electric Inc., for the City/County Building backup generator project.
2. Sell/dispose of two front-end loaders for the Roads and Streets Division on a public marketplace.

Documents:

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

(C) PW-SO - Roads and Streets Division.pdf

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

1. Approve amendment to the Jackman Coulee Emergency Action Plan.
2. Approve amendment to the agreement for cost-share reimbursement with the State Water Commission for the Lockport Pump Station.
3. Approve the sole source purchase for repairs for the primary digester at the Wastewater Treatment Plant.

Documents:

(C) PW-UO - Emergency Action Plan.pdf

(C) PW-UO - Lockport Pump Station.pdf

(C) PW-UO - Sole Source Repairs.pdf

4. REGULAR AGENDA

5. Public hearing on Ordinance 6441, regarding changes to the City's Snow Emergency Route.

Documents:

(R) ATTY - Snow Route Change.pdf

6. Consider the request from the Community Development Department for a minor subdivision final plat of Misty Waters First Replat, requested by Misty Waters, LLC and Geiger Construction and Development, LLC.

Documents:

(R) CD - Misty Waters First Replat.pdf

7. Consider the request from the Community Development Department for the Metropolitan Planning Organization to submit an application for the FY2021 Section 5339 grant.

Documents:

(R) CD - FY2021 Section 5339.pdf

8. Consider the request from the Engineering Department to support the transportation corridor study on Main Ave. through the Bismarck Metropolitan Planning Organization, and to approve the sales-tax-funded concrete pavement repair projects at various locations for 2021.

Documents:

(R) ENG - Main Ave Corridor Study.pdf

9. Consider the request from the Finance Department for the following:

1. **Application for abatement at 1125 Tacoma Ave., IRET Properties, Market Value Reduction, 2018.**
2. **Application for abatement at 2100 S. 12th St., IRET Properties, Market Value Reduction, 2018.**
3. **Application for abatement at 1045 Tacoma Ave., IRET Properties, Market Value Reduction, 2018.**
4. **Application for abatement at 2120 S. 12th St., IRET Properties, Market Value Reduction, 2018.**
5. **Application for abatement at 1129 W. Century Ave., Kohl's Illinois, Inc., Market Value Reduction, 2018.**
6. **Application for abatement at 1427 N. 18th St., Virginia Frieson, Wheelchair Exemption, 2020.**

The Assessing Division recommends denial of all applications for abatement presented in this request.

Documents:

- (R) FIN - Abatements - IRET and Kohls.pdf
- (R) FIN - Abatement - Wheelchair Exemption.pdf

10. Consider the request from the Attorney to receive information on the variance appeal process.

Documents:

- (R) ATTY - Variance Process.pdf
- Board of Adjustment Process.pdf

11. Consider the request from the Attorney to present information requested at the Oct. 27, 2020 meeting by Commissioner Splonskowski.

Documents:

- (R) ATTY - Commissioner Response.pdf.pdf

Other Business

Adjourn

Phone: 701-355-1300 • Fax: 701-221-6470 • 221 North 5th Street • P.O. Box 5503 • Bismarck, ND 58501
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