



February 23, 2021

Board of City Commissioners  
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, February 23, 2021, 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.

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 [bismarckadmin@bismarcknd.gov](mailto:bismarckadmin@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. Before entering the City/County Building, all individuals should self-screen for COVID-19 and if unable to pass the screening protocol, will be expected to participate remotely in the meeting for the public's safety.

The number of participants to be in person will be physically limited to maximum total number of occupants in the Commission Chambers that can maintain social distancing.

As always, live meeting coverage on Government Access Channels 2 & 602HD, Listen to Radio Access 102.5 FM Radio, or stream [FreeTV.org](https://www.free-tv.org) and [RadioAccess.org](https://www.radioaccess.org). Agenda items can be found online at [www.bismarcknd.gov/agendacenter](https://www.bismarcknd.gov/agendacenter).

#### 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:

[MN020921.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 new gaming site authorization for NoDak Sportsmen's Club, A&B Pizza, located at 656 Kirkwood Mall.

Documents:

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

- D. Consider the request for approval from the Attorney for the following:

1. Introduction of and call for a public hearing on Ordinance 6450 to amend Ordinance 7-01-03, regarding Competitive Bidding Required.
2. Ratify the January 5, 2021, State of Emergency Declaration relating to COVID-19 by the President of City Commission and extend its effect to March 21, 2021.

Documents:

[\(C\) ATTY - Competitive Bidding Required.pdf](#)  
[\(C\) ATTY - Emergency Declaration.pdf](#)

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

1. Accept the MOA regarding the metropolitan planning activities within the Bis-Man MPO Area.
2. Affirm the North Dakota Department of Commerce Partners in Planning grant application.
3. Appoint Cole Johnson to the City of Bismarck Planning and Zoning Commission.
4. Approve a request from Bis-Man Transit for an amended contract with North Dakota Department of Transportation for SFY2020 5339 funding.
5. Approve Bismarck Park Avenue Properties, LLP to release the south 3 feet of the 10-foot utility easement adjacent to the north side of Lot 5,

Block 1, Shamrock Industrial Park. Staff recommends approval.

Documents:

- (C) CD - MOA for Metropolitan Planning.pdf
- (C) CD - Partners in Planning.pdf
- (C) CD - Planning and Zoning Commission Appointment.pdf
- (C) CD - SFY2020 5339 Funding.pdf
- (C) CD - Shamrock Industrial Park.pdf

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

1. Approve the North Dakota Department of Transportation cost participation, construction and maintenance agreement for 26th St. and Interstate Ave. pavement marking Safety Improvement HEU-1-981 (126), HC 125.
2. Approve a street closure for the 9th annual BisMarket.
3. Street Improvement District No. 542 - Request for approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
4. Street Improvement District No. 543 - Request for resolution of necessity.
5. Sewer Utility Project SU 78 - Request to receive bids and award contract.
6. Sewer Utility Project SU 80 - Request to receive bids and award contract.
7. Sewer Utility Project SU 83 - Request to receive bids and award contract.

Documents:

- (C) ENG - NDDOT CPM HC125.pdf
- (C) ENG - BisMarket Closure.pdf
- (C) ENG - SI542.pdf
- (C) ENG - SI543.pdf
- (C) ENG - SU 78.pdf
- (C) ENG - SU 80.pdf
- (C) ENG - SU 83.pdf

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

1. Application for abatement, 2020, at 2011 Pacific Pl., Market Value Reduction, for Michelle & John Alstad.
2. Application for abatement, 2020, at 3806 Silver Blvd., Disabled Veteran, for Claude Jr. & Carissa O' Berry.

Documents:

- (C) FIN - Abatements.pdf

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

1. Approve Change Order 2 to agreement with Western Edge Electric, Inc. for the City/County Building Backup Generator Project.
2. Award bid for HPS & LED Luminaires to Dakota Supply Group.
3. Grant permission to advertise and select an engineering firm to provide a facility air quality upgrade analysis/recommendation for the Bismarck Events Center and Belle Mehus, as it relates to COVID-19 transmission.
4. Grant permission to purchase a mower for Roads & Streets operations.
5. Grant permission to purchase a traffic attenuator for Roads & Streets operations.
6. Grant permission to purchase a zero turn commercial mower for Storm Water operations.

Documents:

- (C) PW-SO - Western Edge Electric.pdf
- (C) PW-SO - HPS and LED Luminaires Bid.pdf
- (C) PW-SO - Event Center and Belle Mehus.pdf
- (C) PW-SO - Mower for Roads and Streets.pdf
- (C) PW-SO - Traffic Attenuator for Roads and Streets.pdf
- (C) PW-SO - Mower for Storm Water.pdf

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

1. Approve utility account phased corrections.

Documents:

- (C) PW-UO - Utility Account Corrections.pdf

4. REGULAR AGENDA

5. Consider the request from the Community Development Department for Steve and Mary Selzler to appeal the Feb. 4, 2021 decision of the Board of Adjustment to deny a variance from Section 14-04-19 (6)(b)(5)(a) of the City Code of Ordinances (FP-Floodplain District) to allow the construction of an addition to an existing family home, to be constructed below the Base Flood Elevation (BFE), located on Lot 4, Block 7, Fox Island Subdivision (3221 Deer Lodge Drive).

Documents:

- (R) CD - Selzler Appeal.pdf

6. Public hearing on Ordinance 6448, a request for the annexation of the remainder of Sattler's Sunrise Tenth Addition.

Documents:

- (R) CD - Sattlers Sunrise Annexation.pdf

7. Public hearing on Ordinance 6449, a request for the annexation of parts of Promontory Point VI Addition and Promontory Point VII Addition.

Documents:

[\(R\) CD - Promontory Point Annexations.pdf](#)

8. Consider the request from the Community Development Department for consideration of a moratorium for floodplain development permits associated with LOMR-F (Letter of Map Revision with Fill) applications for single, two-family and multi-family lots adjacent to Misty Waters Bay within Misty Waters subdivision.

Documents:

[\(R\) CD - Misty Waters Subdivision.pdf](#)

9. Consider the request from the Engineering Department to receive the presentation and recommendations for 43rd Ave. NE reconstruction from State St. to 26th St.

Documents:

[\(R\) ENG - HC 131.pdf](#)

[\(R\) ENG - HC 131 Executive Summary.pdf](#)

[\(R\) ENG - HC 131 Presentation.pdf](#)

10. Consider the request from the Engineering Department for an update on the upcoming load restrictions and discuss potential impact to roadways and the building community.

Documents:

[\(R\) ENG - Load Restrictions.pdf](#)

11. Consider the request from the Engineering Department for approval of Creating District CC21 - Parts A-1, A-2, B-1 and B-2. Approving plans and specifications (Sidewalk Gaps and Hazardous Sidewalks). Authorization to advertise and receive bids for District CC21 - Parts A-1, A-2, B-1 and B-2.

Documents:

[\(R\) ENG - City Concrete 2021.pdf](#)

12. Consider the request from the Finance Department to deny an application for abatement for 2019 as presented for 1859 Bonn Blvd. and approve an adjustment to the 2020 application for abatement for 1859 Bonn Blvd.

Documents:

[\(R\) FIN - Fleck Abatement.pdf](#)

13. Consider the request from the Human Resources Department to accept Condrey & Associates' proposal to update the City's Classification and Compensation Plan.

Documents:

[\(R\) HR - Condrey Proposal.pdf](#)

- 14. Consider the request from the Community Development Department for the**

**U.S. Coast Guard to prioritize mitigation elements for possible inclusion within Memorandum of Agreement associated with BNSF Bismarck Rail Bridge Replacement Programmatic Agreement.**

**Documents:**

(R) CD - BNSF Bridge.pdf

- 15. Consider the request from the Community Development Department for the Historic Preservation Commission to participate in a Public Private Partnership associated with the preservation of the Bismarck BNSF Rail Bridge to provide any assistance allowed within the power's and duties outlined in Title 2 (Administration and Government Organizations) Chapter 2-12 Section 8 of the Bismarck Code of Ordinances.**

**Documents:**

(R) CD - BNSF Bridge Pubic Private Partnership.pdf

- 16. Consider the request from the Attorney for direction on the request from the City of Lincoln to expand their extraterritorial area and re-negotiate the ETA Agreement.**

**Documents:**

(R) ATTY - ETA Agreement.pdf

- 17. Review and discuss the 2021 Legislative Report #3.**

**Documents:**

(R) ADMIN - Legislative Report 3.pdf

Other Business

Adjourn

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