



March 9, 2021

Board of City Commissioners  
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, March 9, 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). Please include the item number your comment references. The comments 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 regular agenda 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 symptoms or potential exposure and if unable to pass the screening protocol, will be expected to participate remotely in the meeting for the public's safety. Some of the members may attend this meeting remotely.

As always, live meeting coverage on Government Access Channels 2 & 602HD, Listen to Radio Access 102.5 FM Radio, or stream [FreeTV.org](http://FreeTV.org) and [RadioAccess.org](http://RadioAccess.org). Agenda items can be found online at [www.bismarcknd.gov/agendacenter](http://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. 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 the Fort Abraham Lincoln Foundation at the Expressway Inn & Suites, 180 E. Bismarck Expressway.
2. Approve transferring two City-owned parcels to the Bismarck Parks & Recreation District.

Documents:

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

[\(C\) ADMIN - Dominion Street Land Transfer.pdf](#)

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

1. Introduction of and call for a public hearing on Ordinance 6446, regarding Domestic Distillery and Off-Sale provision.
2. Ratify the January 5, 2021 State of Emergency Declaration relating to COVID-19 by the President of the City Commission and extend its effect to April 5, 2021.

Documents:

[\(C\) ATTY - Domestic Distillery.pdf](#)

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

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

1. Permission to auction items in the 2021 City Auction.

Documents:

[\(C\) BBPH - Fogger Auction.pdf](#)

- F. Consider the request for approval from the Community Development

Department for the following:

1. Approve a request from the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval of a contract with the North Dakota Department of Transportation for SFY2021 Section 533 (b) funding.
2. Approve a request from the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, to decommission and dispose of 10 Routematch tablets (AVL software and hardware) no longer in use.
3. Introduction of and call for a public hearing on Ordinance 6451, a request for the annexation of Lot 40, Block 2, and Lot 1, Block 14, Silver Ranch First Addition and Lot 25, Block 1, Silver Ranch Second Addition, requested by Bismarck Parks and Recreation District. The Bismarck Planning and Zoning Commission recommends approval.
4. Introduction of and call for a public hearing on Ordinance 6452, a request for the annexation of Lots 4-11, Block 12, Lots 8-13, Block 13, and Lots 9-12, Block 14, Silver Ranch Third Addition, requested by Chad Wachter, LLC. The Bismarck Planning and Zoning Commission recommends approval.
5. Introduction of and call for a public hearing on Ordinance 6453, a request for a zoning change from the RR-Residential zoning district to the CG-Commercial zoning district for Memory Third Addition.
6. Introduction of and call for a public hearing on Ordinance 6454, a request for a zoning change from the PUD-Planned Unit Development zoning district to the Conditional MA-Industrial zoning district for Lots 2 and 3, Block 1, Hay Creek Industrial Subdivision Replat, requested by KNA Holdings, LLP. The Bismarck Planning and Zoning Commission recommends approval.
7. Introduction of and call for a public hearing on Ordinance 6455, a request for a zoning change from the Conditional R10-Residential zoning district to the R10-Residential zoning district on Lots 1-24, Block 6, Cottonwood Parkview Addition, requested by Wachter Family Revocable Trust. The Bismarck Planning and Zoning Commission recommends approval.
8. Introduction of and call for a public hearing on Ordinance 6456, a staff-initiated zoning ordinance text amendment relating to domestic distilleries and microbrew pubs. The Bismarck Planning and Zoning Commission recommends approval.

Documents:

- (C) CD - NDDOT SFY2021Grant.pdf
- (C) CD - MPO AVL.pdf
- (C) CD - Ordinance 6451.pdf
- (C) CD - Ordinance 6452.pdf
- (C) CD - Ordinance 6453.pdf
- (C) CD - Ordinance 6454.pdf
- (C) CD - Ordinance 6455.pdf
- (C) CD - Ordinance 6456.pdf

G. 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 intersection improvement Safety Improvement SHE-1-083(137) 901, HC127.
2. Park Improvement District No. 004 - Request for resolution declaring petition for improvements has been received. Request for

- resolution creating district and ordering preparation of preliminary engineering reports. Request for resolution approving preliminary reports and directing the preparation of plans and specifications. Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
3. Street Improvement District No. 543 - Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
  4. Street Improvement District No. 546 - Request for resolution declaring petition for improvements has been received. Request for resolution creating district SI 546 and ordering preparation of the preliminary report.

Documents:

- [\(C\) ENG - NDDOT CPM HC127.pdf](#)
- [\(C\) ENG - PI004.pdf](#)
- [\(C\) ENG - SI543.pdf](#)
- [\(C\) ENG - SI546.pdf](#)

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

1. Application for abatement for 2020, Disabled Veteran at 1709 E. Ave. D for Erin Smith.
2. Approve an application for a property tax exemption at 929 N. 1st St.
3. Approve an increase to the Drinking Water Revolving Fund Loan to apply for potential loan forgiveness through the State.

Documents:

- [\(C\) FIN - Abatements.pdf](#)
- [\(C\) FIN - Tax Exemption.pdf](#)
- [\(C\) FIN - BND Infrastructure Loans Increase.pdf](#)

I. Consider the request for approval from the Human Resources Department for the following:

1. Approve the 2021 Blue Cross Blue Shield Administrative Service and Stop Loss Agreement Contracts and Summary Plan Description.

Documents:

- [\(C\) HR - BCBS Contract Renewal.pdf](#)

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

1. Permission to conduct the annual deer and turkey archery hunting program on City property.

Documents:

[\(C\) PD - Deer and Turkey Hunting Request.pdf](#)

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

1. Accept the North Dakota Forest Service - America the Beautiful Program Development Grant and authorize an increase in budget authority for Forestry Government Grants.
2. Permission to award contract for the 2021 Installation of Painted Pavement Marking to Traffic Safety Services, Inc.
3. Permission to purchase a lift for the Fleet Services Division.
4. Permission to purchase a truck chassis, boom and tool box for the Electrical Division from the North Dakota and Minnesota state bid contracts.

Documents:

[\(C\) PW-SO - ND Forestry Service Grant.pdf](#)  
[\(C\) PW-SO - Painted Pavement Markings.pdf](#)  
[\(C\) PW-SO - Lift for Fleet Services.pdf](#)  
[\(C\) PW-SO - Electrical Division Purchase.pdf](#)

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

1. Approve contract Change Order G-01 with Swanberg Construction, Inc. for the Wastewater Treatment Plant Phase 4 Dewatering System Improvements.

Documents:

[\(C\) PW-UO - Change Order G-01.pdf](#)

3. REGULAR AGENDA
4. Receive a report from the Bismarck-Mandan Convention & Visitors Bureau.

Documents:

[\(R\) ADMIN - CVB Report.pdf](#)

5. Receive a Pandemic Response Update from Bismarck-Burleigh Public Health Director Renae Moch.

Documents:

[\(R\) BBPH - Pandemic Response.pdf](#)  
[Public Health Presentation.pdf](#)

6. Public hearing on a new Class M Catering Liquor License for Harvest LLC.

Documents:

[\(R\) ADMIN - New Liquor License.pdf](#)

7. Public hearing on Ordinance 6450, regarding Competitive Bidding Required.

Documents:

[\(R\) ATTY - Competitive Bidding Required.pdf](#)

8. Consider the request from the Community Development Department to present information on the City of Bismarck's involvement in the National Flood Insurance Program and the Community Rating System Program.

Documents:

[\(R\) CD - NFIP and CRS Program Information.pdf](#)

9. Consider the request from the Community Development Department for a Moratorium for Floodplain Development Permits associated with LOMR-F 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](#)

10. Receive an update on the Bismarck Comprehensive Plan.

Documents:

[\(R\) CD - Comprehensive Plan.pdf](#)

11. Consider the request from the Engineering Department for Street Improvement District No. 541 - Request to hear insufficiency of protests on resolution of necessity.

Documents:

[\(R\) ENG- SI541.pdf](#)

12. Consider the request from the Engineering Department for Street Improvement District No. 544 - Request to hear insufficiency of protests on resolution of necessity.

Documents:

[\(R\) ENG- SI544.pdf](#)

13. Consider the request from the Administration Department for direction on a new Class E Beer-Only On/Off Sale license.

Documents:

[\(R\) ADMIN - Class E Request.pdf](#)

14. Receive an update from the Budget Committee regarding possible funding options for the Bismarck-Burleigh Public Health Department and Police Department plans for future facilities.

Documents:

(R) ADMIN - Budget Committee Update.pdf

Other Business

Adjourn

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