



November 3, 2021

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, November 9th, 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.

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. 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.

As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM Radio, or streaming on multiple platforms including [FreeTV.org](https://www.free-tv.org) and [Facebook LIVE](https://www.facebook.com/bismarckndgov). Agenda items can be found online at www.bismarcknd.gov/agendacenter.

FUTURE COMMISSION MEETINGS:

- November 23, 2021
- December 14, 2021 & December 28, 2021
- January 11, 2021 & January 25, 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. CONSENT AGENDA

A. Consider approval of minutes.

Documents:

[MIN 10-26-2021.pdf](#)

B. Consider approval of expenditures.

C. Consider approval of personnel actions.

Documents:

[\(C\) HR - Personnel Actions.pdf](#)

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

1. Introduction of and call for a public hearing on a request for a new Class I-2 Beer & Wine Only restaurant liquor license for Nara Ramen And Izakaya Inc., at 309 North 3rd Street.
2. Extension of CVB Hotel/Motel Tax Revenue Allocation and CVB Building Lease Agreement for three year term.

Documents:

[\(C\) ADMIN - New Class I-2 Liquor License Nara Ramen and Izakaya Inc.pdf](#)
[\(C\) ADMIN - CVB Hotel Motel Tax Revenue Allocation.pdf](#)

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

1. Change Order #1 to the October 5, 2021 agreement with Northern Improvement Company (NIC) for Pavement Maintenance.
2. Award of bid to Bismarck Mandan Security for Airport security services.

Documents:

[\(C\) AIR - CO 1 Pavement Maintenance.pdf](#)
[\(C\) AIR - Security Bids.pdf](#)

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

1. Approval to award public education campaign project to Epicosity.

Documents:

[\(C\) BBPH - Public Education Campaign.pdf](#)

G. Consider the request for approval from the City Attorney for the following:

1. Introduction and call for a public hearing on Ordinance 6491 to amend Bismarck Ordinance Section 6-06-04 in regards to bingo changes.

Documents:

[\(C\) ATTY - Ordinance 6491 - Bingo Changes.pdf](#)

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

1. Introduction of and Call for a Public Hearing on Ordinance 6490, a request for a zoning change from the CG-Commercial zoning district to the RMH-Residential zoning district for Auditor's Lot 12 and parts of Auditor's Lots 11 and 17- 20, Park Hill Auditor's Lots (Parkview Mobile Home Park). The Bismarck Planning and Zoning Commission recommends approval.
2. Request of MNND Holdings, LLC to release the West 40 feet and the West 10 feet of the East 50 feet of the non-access line adjacent to Lot 4, Block 3, Trillium Fourth Addition. Staff recommends approval.
3. Request of The Church of Corpus Christi to release the utility easement in Lots 1 and 17, Block 1, Register Second Addition and the West 18.02 feet of the north utility easement in Lot 16, Block 11, Register Second Addition. Staff recommends approval.
4. Request of Wachter Revocable Trust to release a portion of the shared utility easement between Lots 6 and Lot 7, Block 6, Cottonwood Parkview Addition. Staff recommends approval.
5. Request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval of the Bis-Man Transit Coordinated Public Transit Human Services Plan (CPTHSP).
6. Request of Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval of the Bis-Man Transit Transportation Services Contract Amendment.

Documents:

- [\(C\) CD - Park Hills Auditors Lots.pdf](#)
- [\(C\) CD - Trillium Non Access Line.pdf](#)
- [\(C\) CD - Register Second.pdf](#)
- [\(C\) CD - Utility Easement Cottonwood.pdf](#)
- [\(C\) CD - CPTHSP Approval.pdf](#)
- [\(C\) CD - Transit Contract Amendment.pdf](#)

I. Consider the request for approval from the Engineering Department for the

following:

1. Request for an encroachment agreement for the removal and replacement of an existing retaining wall at 224 W Avenue A.
2. Contract Change Order No. 1 for SI 551/SE 579 – Clear Sky Addition Paving and Storm Sewer.
3. Contract Change Order No. 1 SV 55 – Traffic Signal Replacement Project – 4th Street & Divide Avenue.
4. Change Order No. 1 for 2020 City Concrete A-2 Contract.
5. Amendment to Existing Agreement for Professional Services with KLJ for 43rd Avenue Reconstruction - HC 131.
6. Water Main Easement in vacated Regina Drive, North Hills First Addition from Gary and Linda Oster.
7. Federal Emergency Management Agency (FEMA) grant funding for an Advanced Assistance Flood Control Study and approval of scope and fee with Apex Engineering to perform the Flood Control Study.
8. Agreement with Western Area Power Association (WAPA) to construct, operate and maintain 43rd Avenue within their easement.

Documents:

- (C) [ENG - Encr Agree 224 W Ave A.pdf](#)
- (C) [ENG - SI551- change order 1.pdf](#)
- (C) [ENG - SV55 - change order 1.pdf](#)
- (C) [ENG - A-2 \(2020\) - change order 1 time ext.pdf](#)
- (C) [ENG - design amendment 2 - HC131.pdf](#)
- (C) [ENG - easement - water main north hills 1st - Linda Oster.pdf](#)
- (C) [ENG - South Bismarck Flood Control Study.pdf](#)
- (C) [ENG - WAPA agreement - HC131.pdf](#)

J. Consider the request for approval from the Event Center for the following:

1. Allow advertising of the requests for proposals for architectural/engineering services on locker room improvements.

Documents:

- (C) [EC - RFP for architectural services on locker rooms.pdf](#)

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

1. Application for Abatement for the following where the Assessing Division recommends approval:
 - 205 Colt Ave - Exempt from Taxation
 - 501 Pumice Lp - Market Value Reduction
 - 802 N 32nd St - Market Value Reduction

- 2504 E Capitol Ave - Market Value Reduction
2. Financing Resolution for the Utility Revenue Bond, Series 2021, for Public Works Expansion Project.
 3. Purchases of heavy equipment from John Deere and RDO Equipment Company from Minnesota State Procurement.

Documents:

- [\(C\) FIN - Utility Revenue Bonds Series 2021 Financing Resolution - Public Works Expansion.pdf](#)
- [\(C\) FIN - Abatements.pdf](#)
- [\(C\) FIN - Purchasing from Minnesota State Procurement.pdf](#)

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

1. Permission to purchase a Dura Patcher for Roads & Streets operations.
2. Permission to purchase a bandit drum-style chipper for Forestry operations.

Documents:

- [\(C\) PW-SO - Request to purchase Chipper Truck for Forestry operations.pdf](#)
- [\(C\) PW-SO - Request to purchase a dura patcher for Streets.pdf](#)

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

1. Agreement for Cost-Share Reimbursement with North Dakota State Water Commission for the reconstruction portion of the Wastewater Treatment Plant Effluent Flood Control Project.
2. Agreement for Cost-Share Reimbursement with the State Water Commission for the 43rd Ave Water System Expansion Phase 2 Project.

Documents:

- [\(C\) PW-UO - Accept Cost-Share Agreement with SWC for 43rd Ave Water System Expansion Phase 2 Project.pdf](#)
- [\(C\) PW-UO - Accept Cost-Share Agreement with State Water Commission for WWTP Effluent Flood Control Project.pdf](#)

3. REGULAR AGENDA

4. Receive an update from Brian Ritter regarding the Bismarck-Mandan Chamber EDC's activities and efforts.

Documents:

[\(R\) ADMIN - Chamber EDC Update.pdf](#)

5. Public Hearing on a request for a new I-2 Beer and Wine Only Restaurant liquor license for Hit The Spot, located at 706 Kirkwood Mall.

Documents:

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

6. Consider the request from the Community Development Department for the following:

1. Request of Huntington Enterprises, Inc. to release the Colt Place access easement adjacent to Lots 8-9, Block 1, Huntington Cottages Second Addition.

Documents:

[\(R\) CD - Huntington Cottages Access Easement.pdf](#)

7. Consider the request from the Community Development Department for the following:

1. Minor subdivision final plat of Trillium Third Addition Second Replat, requested by DPS Properties, LLP. The Bismarck Planning and Zoning Commission recommends approval.

Documents:

[\(R\) CD - Tillium Third Addition Second Replat.pdf](#)

8. Request from The Community Development Department to Amend the City of Bismarck-Burleigh County Extraterritorial Area Agreement to Modify a Portion of the Existing Boundary

Documents:

[\(R\) CD - ETA Boundary Discussion.pdf](#)

9. Discussion and direction on 43rd Avenue HC 131 Schilling driveway access.

Documents:

[\(R\) ENG - 43rd Ave - HC131 - private access discussion.pdf](#)

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

1. Authorize the resolutions for the issuance and award of bids for the 2021 special assessment bonds and warrants and accept the lowest bid as presented.

Documents:

(R) FIN - 2021 Special Assessment Bonds (IB and Sidewalk).pdf

11. Contract for comprehensive construction manager for risk services at the Public Health Building and expansion of the Public Works Building

Documents:

(R) PW-UO - Approval of Contract with Kraus Anderson for PW Expansion and PH Building.pdf

12. Consider the request from the Engineering Department to go into executive session under NDCC 44-04-19.1(9) for contract negotiation/negotiation strategy.

Documents:

(R) ENG - Executive Session.pdf

Other Business

Adjourn

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