



December 8, 2021

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, December 14, 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.

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) and [Facebook LIVE](https://www.facebook.com/bismarckndgov). Agenda items can be found online at www.bismarcknd.gov/agendacenter.

FUTURE COMMISSION MEETINGS:

- December 28, 2021
- January 11, 2021 & January 25, 2021
- February 8, 2021 & February 22, 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. Proclamation that 2022 be a celebration of Bismarck's Sesquicentennial.

Documents:

[Proclamation 2022 Sesquicentennial.pdf](#)

2. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items).

3. CONSENT AGENDA

- A. Consider approval of minutes.

Documents:

[MIN 11-23-21.pdf](#)

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

Documents:

[HR - Personnel Actions.pdf](#)

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

1. Application from American Legion Post #1 Lloyd Spetz for gaming at On the Run #80150, 2205 Tyler Parkway.
 2. Application from Gorilla Wrestling Club, Inc. for gaming at Buffalo Wild Wings, 3420 North 14th Street and Hit the Spot, LLC, 706 Kirkwood Mall, Unit 124.

Documents:

[\(C\) ADMIN - Gaming Site Authorization - American Legion Post No. 1 Lloyd Spetz..pdf](#)
[\(C\) ADMIN - Gaming Site Authorization - Gorilla Wrestling Club, Inc..pdf](#)

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

1. Amendment 2 to Executive Air Taxi Corp (EATC) Fuel Farm Lease.
 2. Change Order 2 to Edling Electric Wetland Phase 5/6 Agreement.
 3. Award bid for sale of Ford FT900 Truck to Harlow's Bus Service.

Documents:

[\(C\) AIR - EATC Fuel Farm Lease.pdf](#)
[\(C\) AIR - Edling Electric CO 2.pdf](#)
[\(C\) AIR - Ford Truck Disposal.pdf](#)

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

1. Settlement of sidewalk reconstruction issue for 1800 Interstate Avenue.
2. Receive bids and award the Indigent Defense contract to Thomas J. Glass and Steve Balaban.
3. Amendment to Fort Abraham Lincoln Foundation Lease, Lessor's Consents to Leasehold Mortgages and Consent to Pledge of Leasehold Interest.

Documents:

(C) [ATTY - 1800 interstate settlement.pdf](#)
(C) [ATTY - bid acceptance indigent defense.pdf](#)
(C) [ATTY - FALF Lease.pdf](#)

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

1. Introduction of and call for public hearing on Ordinance 6492, a staff-initiated zoning ordinance text amendment relating to amendments to the lot modification process. The Bismarck Planning and Zoning Commission recommends approval.
2. Introduction of and call for public hearing on Ordinance 6493, a request for a zoning change from the PUD – Planned Unit Development and CG – Commercial zoning districts to the PUD – Planned Unit Development and CG – Commercial zoning districts for Schilling Second Addition, requested by Capital Electric Cooperative.
3. Request of Benchmark Developments, LLC to release the North 40 feet of the South 628 feet of the non-access line adjacent to Lots 14-15, Block 1, Heritage Ridge Second Addition. Staff recommends approval.
4. Request of Investcore, Inc; JE Homes, LLC; Verity Homes; Boulder Homes, LLC; Copper Leaf Homes, LLC; Shorestone Solutions, LLC; and Stoneshire Builders, LLC to release the access portions of the sanitary sewer, water and access easements within Lots 18-20 and 26-28, Block 2, Silver Ranch First Addition; the access portion of the sanitary sewer, water, access and utility easement within Lots 3-6, Block 4, Silver Ranch First Addition; and the sanitary sewer, water and access portion of the sanitary sewer, water, access and utility easement within Lots 17-20, Block 4, Silver Ranch First Addition. Staff recommends approval.
5. Appointment of Michael Connelly and reappointment of Dustin Gawrylow to the Renaissance Zone Authority/Downtown Design Review Committee.
6. Request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, to submit a Section 5310 Grant Application.
7. Consider substantial amendments to the Five Year Consolidated Plan (2020-2024) and 2020 Annual Action Plan.

Documents:

- (C) CD - Ord 6492 - Lot Modification Process.pdf
- (C) CD - Schilling Second Addition.pdf
- (C) CD - Heritage Ridge Second Addition.pdf
- (C) CD - SilverRanch.pdf
- (C) CD - Renaissance Zone Authority seats.pdf
- (C) CD - MPO 5310 Grant Application.pdf
- (C) CD - Five Year Consolidated Plan.pdf

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

1. Amendment #3 to Existing Agreement for Professional Services with AE2S for Tyler Coulee Regional Storm Water Design part of Sewer Improvement District 576.
2. 43rd Avenue Reconstruction Right of Way Plats, Warranty Deeds, Storm Water Easements and Temporary Construction Easements – HC 131.
3. Development Agreement for Lot 1, Block 4 Sloven Second Addition in south Bismarck, with Doran Stoltz Enterprises, LLC

Documents:

- (C) ENG - Tyler Coulee AE2S amendment 3.pdf
- (C) ENG - 43rd Ave Plats HC 131.pdf
- (C) ENG - dev agreement doran stoltz enterprises.pdf

I. 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:
 - 418 Ryan Dr - Disabled Veteran 1044 E Turnpike Ave - Disabled Veteran
 - 514 N 24th St - Disabled Veteran
 - 401 Juniper Dr - Disabled Veteran
 - 616 W Arbor Ave - Disabled Veteran
2. Application for Abatement for the following where the Assessing Division recommends denial:
 - 1300 E Capitol Ave - Brutgers Equities
3. Application for Abatement for the following where the Assessing Division recommends denial:
 - 2640 Centennial Rd - RW Bismarck LLC
4. 5-year tax-exempt financing lease of six motor graders and two front-end loaders at 1.31% interest rate from US Bank.

5. IT services contract and terms for services provided to Burleigh County.

Documents:

- (C) FIN - Abatements.pdf
- (C) FIN - Abatement Memo Days Inn.pdf
- (C) FIN - Abatement Memo My Place.pdf
- (C) FIN - Motor Graders and Front End Loaders Leases.pdf
- (C) FIN - Burleigh County IT Services Contract.pdf

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

1. Authorization to accept a donation from Chick-Fil-A.
2. Authorization to accept a donation from Ignite Dispensary.

Documents:

- (C) PD - Chick-fil-A Donation.pdf
- (C) PD - Ignite Dispensary Donation.pdf

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

1. Change Order 2 to contract with Industrial Enterprises, Inc. for the Library Siding Project.
2. Permission to purchase equipment for Roads & Streets operations.
3. Permission to purchase equipment for Solid Waste operations.
4. Permission to purchase a truck chassis for a boom truck build and boom and body plus installation for street lights and signals operations.
5. Permission to purchase a 1/2-ton crew cab pickup short box 4x4 for Engineering.
6. Dispose of/sell Public Works inventory at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05.

Documents:

- (C) PW-SO - Change Order 2 to contract with Industrial Enterprises for the Library Siding Project.pdf
- (C) PW-SO - purchase equipment for Roads and Streets.pdf
- (C) PW-SO - purchase equipment for Solid Waste operations.pdf
- (C) PW-SO - purchase of equipment for Street Lights and Signals.pdf
- (C) PW-SO - purchase of pickup for Engineering.pdf
- (C) PW-SO - request to sell or dispose of inventory.pdf

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

1. Engineering Services Agreement with HDR Engineering, Inc. for the Wastewater Treatment Plant Effluent Flood Control Project.

Documents:

[\(C\) PW-UO - Engineering Service Agreement with HDR Engineering for the WWTP Effluent Flood Control Project.pdf](#)

4. REGULAR AGENDA

5. Receive an update from Blake Crosby regarding the North Dakota League of Cities activities and efforts.

Documents:

[\(R\) ADMIN - NDLC update.pdf](#)

6. Presentation from Bob Wefald relating to Bismarck 150th birthday in 2022.

Documents:

[\(R\) Bob Wefald 150th letter.pdf](#)

7. Discussion on the recognition of the upcoming 150th birthday of Bismarck, North Dakota.

Documents:

[\(R\) ADMIN - 150th Bismarck Birthday.pdf](#)

8. Minor subdivision final plat of Big Pines Addition, requested by Big Pines, LLC. The Bismarck Planning and Zoning Commission recommends approval.

Documents:

[\(R\) CD - Big Pines Addition.pdf](#)

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

Documents:

[\(R\) ATTY - Executive Session land.pdf](#)

10. Consider the request from the City Attorney to go into executive session under NDCC 44-04-19.1(9) for negotiating strategy regarding a lawsuit.

Documents:

[\(R\) ATTY - Executive Session litigation.pdf](#)

Other Business

Adjourn

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