



May 4, 2022

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, May 10, 2022, at 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

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

The City of Bismarck encourages 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 that your comment references. The comments will be sent to the members and placed with the minutes.

To ensure your comments are received before 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 email address and contact information to the above email at least one business day before the meeting.

Live meeting coverage is always 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.

Call to Order

FUTURE COMMISSION MEETINGS:

- May 24, 2022
- June 14, 2022 & June 28, 2022
- July 12, 2022 & July 26, 2022

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. Bike Month Proclamation 2022

Documents:

[Bike Month Proclamation 2022.pdf](#)

2. Law Enforcement Memorial Week Proclamation 2022

Documents:

[Law Enforcement Memorial Week Proclamation 2022.pdf](#)

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

4. CONSENT AGENDA

- A. Consider approval of minutes

Documents:

[April 26, 2022 - Minutes.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. Approve gaming site application for the following:

- Bismarck Cancer Center Foundation
 - Bismarck Cancer Center – 500 North 8th Street
 - Bismarck Municipal Ballpark – 303 West Front Avenue
- Companions for Children
 - Buffalo Wings & Rings – 4424 North 15th Street
- Cystic Fibrosis Association of North Dakota
 - Cheap Shots – 3938 Miriam Avenue
 - Shelter Belt – 307 North 3rd Street
- Horse Race North Dakota
 - Golf Etc. – 511 Airport Road
 - Sickies Garage, Bismarck – 3130 14th Street North
- ND Chapters of Delta Waterfowl
 - Bismarck Hotel & Conference Center – 800 South 3rd Street

- North Dakota Association for the Disabled, Inc.
 - Pub 21 – 1014 South 12th Street
- Prairie Public Broadcasting, Inc.
 - Dakota Skies Bingo – 825 South 8th Street

Documents:

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

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

1. Introduction and call for a public hearing on Ordinance 6501 to enact new Bismarck Ordinances for hate crimes.

Documents:

[\(C\) ATTY - Ord 6501 - Hate Crime Ordinances.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 6502, a request for a zoning change from the A – Agriculture, R5 – Residential, and R10 – Residential zoning districts to the R5 – Residential, R10 – Residential, P – Public zoning districts for Elk Ridge Third Addition, requested by Tyler Coulee, LLP, Bismarck North Developers, LLC, Ron Knutson, Henry and Jeanette Albers, and Paulette Thurn and Michael Hoffman.
2. Introduction of and call for a public hearing on Ordinance 6503, a request for the annexation of part of Elk Ridge Third Addition, requested by Tyler Coulee, LLP, Bismarck North Developers, LLC, Ron Knutson, Henry and Jeanette Albers, and Paulette Thurn and Michael Hoffman.
3. Introduction of and call for a public hearing on Ordinance 6504, a request for a zoning change from the A-Agricultural and R5-Residential zoning districts to the R5-Residential, R10-Residential, and Conditional RT-Residential zoning districts, requested by Ron and Ruth Knutson.
4. Introduction of and call for a public hearing on Ordinance 6505, a staff-initiated zoning ordinance text amendment relating to allowing data centers as a special use.
5. Minor subdivision final plat of Shamrock Industrial Park First Replat, requested by Divide Apartments, LLC.
6. Consider application for Volkswagen settlement grant funds.
7. The request of Bis-Man Transit to decommission and dispose of one (1) fixed-route bus.

Documents:

- (C) CD - Ord 6502, Ord 6503 - Elk Ridge Third Addition.pdf
- (C) CD - Ord 6504 - Boden Addition.pdf
- (C) CD - Ord 6505 - Data Centers.pdf
- (C) CD - Shamrock Industrial Park First Replat.pdf
- (C) CD - Volkswagen Emission Mitigation Funds.pdf
- (C) CD - Bis-Man Transit Decommission and Dispose of Bus.pdf

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

1. The development agreement with DnS Investment, LLP.
2. The access easement on 1143 North 26th Street, Lord of Life Lutheran Church.
3. The temporary license to use premises agreement for the June 11, 2022, Medieval Rush event.
4. The dedication and acceptance of Right-of-Way and Utility Easements for Tyler Parkway located in Sections 18 and 19 Township 139 North Range 80 West.
5. North Dakota Department of Transportation (NDDOT) Cost Participation, Construction, and Maintenance Agreement for Bismarck Public School Safety TAU-1-981(124), City Project HC 136.
6. North Dakota Department of Transportation (NDDOT) Cost Participation, Construction, and Maintenance Agreement for Bismarck Expressway Pedestrian Facility TAU-1-981(128), City Project HC 150.
7. Resolution declaring petitions for improvements have been received, resolution creating district and ordering preparation of preliminary report, and resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 567.
8. Resolution declaring petitions for improvements have been received, resolution creating district and ordering preparation of preliminary report, and resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 568.

Documents:

- (C) ENG - Development Agreement DnS Investment LLP.pdf
- (C) ENG - Lord of Life Access Easement.pdf
- (C) ENG - Medieval Rush Temporary License to Use Premises Agreement.pdf
- (C) ENG - Tyler Parkway Right-of-Way and Utility Easements.pdf
- (C) ENG - HC 136.pdf
- (C) ENG - HC 150.pdf

[\(C\) ENG - SI 567.pdf](#)

[\(C\) ENG - SI 568.pdf](#)

H. 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:

- 2104 Northridge Drive (0445-013-085) - James & Roxanne Wells - Disabled Veteran (2021)
- 1908 Valley Drive (0943-003-005) - Darrin & Denise Anderson - Disabled Veteran (2021)

Documents:

[\(C\) FIN - Applications for Abatement.pdf](#)

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

1. Purchase of an Infrared Hazardous Materials Detection Device referred to as a Fourier-Transform Infrared FT-IR Spectroscopy Device.
2. Permission for the City of Bismarck to apply for funding from the State Homeland Security Grant Program to assist with local efforts to enhance physical security to protect soft targets/crowded places.

Documents:

[\(C\) FD - Infrared Hazardous Materials Detection Device Bid.pdf](#)

[\(C\) FD - NDDES State Homeland Security Grant Program.pdf](#)

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

1. Permission for the Police Department to solicit donations to support the 2022 Annual Bismarck Police Department Benefit Golf Tournament.
2. Permission to solicit donations for door prizes to be given away at the Community Event known as the Tri-City Community Picnic held on August 27, 2022.

Documents:

[\(C\) PD - Donations for 2022 Annual Benefit Golf Tournament.pdf](#)

[\(C\) PD - Tri-City Community Picnic.pdf](#)

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

1. Permission to purchase 4 loader plows for Roads & Streets operations.
2. Permission to close competitive bidding for skylight weathercoat recondition at the Public Works Building without bid award and permission to seek contract negotiations with SpecPro, Inc.

Documents:

- (C) PW-SO - Purchase Loader Plows for Roads and Streets Operations.pdf
- (C) PW-SO - Skylight Weathercoat Reconditioning Bid Award.pdf

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

1. Permission to purchase portable radios for the Waste Water Treatment Plant under the State of North Dakota bid contract.
2. Permission to pursue grant funding from the State Water Commission for water infrastructure.
3. Permission to enter into a Water Service Contract with Journey Campground Bismarck LLC.
4. Permission to award hayland mowing bids at the Waste Water Treatment Plant.

Documents:

- (C) PW-UO - Purchase of Portable Radios for WWTP.pdf
- (C) PW-UO - State Water Commission Grant Funding.pdf
- (C) PW-UO - Water Service Contract - Journey Campground Bismarck LLC.pdf
- (C) PW-UO - WWTP Hayland Mowing.pdf

5. REGULAR AGENDA

6. Commissioner Portfolio Report - Commissioner Zenker
7. Receive an update on the Yondar History & Mystery Scavenger Hunt from Alexander Mabin with Agency MABU/InnovatAR.

Documents:

- (R) ADMIN - Yondar History and Mystery Scavenger Hunt.pdf

8. Continued public hearing on a new Class C Hotel/Motel Liquor License for Kirkwood Hotel, LLC (dba) Bismarck Hotel & Conference Center at 800 South 3rd Street.

Documents:

- (R) ADMIN - Public Hearing - New Liquor License - Bismarck Hotel and Conference Center.pdf

9. Consider the request to pursue a zoning ordinance text amendment to allow agency foster homes for adults within the R5 and R10 zoning designations to better align with North Dakota Century Code and North Dakota Administrative Code.

Documents:

- (R) CD - Family Foster Homes.pdf

10. Consider the request for resolution receiving bids, ordering preparation of the engineer's statement and request for resolution awarding contract for Street Improvement District SI 565 and Sewer Improvement District SE 581.

Documents:

(R) ENG - SI 565, SE 581.pdf

11. Consider the request for resolution receiving bids, ordering preparation of the engineer's statement and request for resolution awarding contract for Street Improvement District SI 566.

Documents:

(R) ENG - SI 566.pdf

12. Consider the request to receive bids and award contract for Street Light & Traffic Signal Utility Project SV64.

Documents:

(R) ENG - SV 64.pdf

Other Business

Adjourn

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