



Board of City Commissioners

August 17, 2022

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, August 23, 2022, at 5:15 PM 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 PM 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.freetv.org) 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:

- September 13, 2022 & September 27, 2022
- October 11, 2022 & October 25, 2022
- November 8, 2022 & November 22, 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

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

1. CONSENT AGENDA

A. Consider approval of minutes

Documents:

[August 9, 2022 - Special Meeting Minutes.pdf](#)
[August 9, 2022 - Minutes.pdf](#)

B. Consider approval of personnel actions

Documents:

[Personnel Actions.pdf](#)

C. Consider approval of expenditures

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 F-1 Restaurant Full Alcohol Liquor License for Tavern Bismarck, LLC. (dba) The Tavern Grill Restaurant & Bar at 1802 North 12th Street.

Documents:

[C\) ADMIN - New Liquor License - The Tavern Grill Restaurant and Bar.pdf](#)

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

1. Amendment 4 to the Bismarck Aero Center Fixed Base Operator (FBO) Lease and Operating Agreement dated May 22, 2008.
2. Actions related to Snow Removal Equipment (SRE) Building project.

Documents:

[C\) AIR - FBO Lease and Operating Agreement.pdf](#)
[C\) AIR - Snow Removal Equipment Building Project.pdf](#)

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

1. 2022 Annual Action Plan (CDBG application)
2. Corrected Ordinance 6515, the annexation of Paradise Valley Addition, to correct a typographical error in the lot numbers included in the annexation of all of the property.
3. A request of Boulder Homes, LLC and Copper Leaf Homes, LLC to release a sanitary sewer, water, and utility easement over lots 17-20, Block 4, Silver Ranch First Addition. Staff recommends approval.
4. Appointment of Josh Keller to the Parking Authority.

Documents:

- [C\) CD - 2022 Annual Action Plan.pdf](#)
- [C\) CD - Ord 6515.pdf](#)
- [C\) CD - Silver Ranch First Addition.pdf](#)
- [C\) CD - Parking Authority Appointment.pdf](#)

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

1. North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for 9th Street mill and overlay (Bismarck Expressway to Front Ave), NHU-1-083(140)900, PCN 23202, HC 152.
2. North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for Bismarck Expressway Concrete Pavement Repair (Rosser Avenue to Miriam Drive), NHU-1-083(140)900, PCN 23202, HC 152.
3. Change Order No. 3 for Street Improvement District SI 550.
4. Request for resolution receiving bids and ordering the preparation of the engineer's statement and resolution awarding the contract for Street Improvement District SI 568.
5. A development agreement with J&A Properties, LLP.
6. Acceptance of stormwater and drainage easements for the development of Trenton Addition.

Documents:

- [C\) ENG - HC 152.pdf](#)
- [C\) ENG - HC 154.pdf](#)
- [C\) ENG - SI 550.pdf](#)
- [C\) ENG - SI 568.pdf](#)
- [C\) ENG - J and A Properties, LLP Development Agreement.pdf](#)
- [C\) ENG - Trenton Addition Offsite Storm Water Easement.pdf](#)

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

1. Introduction and call for a public hearing on Ordinance 6521 for the 2023 Budget.
2. Applications for Abatement where the Assessing Division recommends approval.
3. Resolution directing special assessments to be levied.

Documents:

- [C\) FIN - 2023 Budget Ordinance Introduction.pdf](#)
- [C\) FIN - Abatements.pdf](#)
- [C\) FIN - Special Assessments to be Levied.pdf](#)

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

1. Permission for the Fire and Police Departments to participate in a fundraising event.

Documents:

[C\) FD - Fundraising Event.pdf](#)

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

1. Change Order 4 to the agreement with Northern Improvement Company for the solid waste management facility cell 1 expansion project.
2. Permission to enter into the first option year of the recyclable metals materials contract with Gerdau Ameristeel US, INC.
3. Permission to apply for a grant from the North Dakota Forest Service to fund the purchase of plant material for the Sesquicentennial Tree Planting.
4. Permission to purchase vehicles at the State of North Dakota bid price from Nelson Auto.

Documents:

[C\) PW SO - Change Order 4 for Cell 1 Expansion Project.pdf](#)
[C\) PW SO - Recyclable Metal Materials Collection Contract.pdf](#)
[C\) PW SO - Sesquicentennial Tree Planting.pdf](#)
[C\) PW SO - Vehicle Purchase.pdf](#)

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

1. Permission to accept Task Order #5 to the agreement with Apex Engineering Group for the preliminary and final designs of the new Hay Creek Lift Station and Forcemain.

Documents:

[C\) PW UO - Task Order 5 Hay Creek Interceptor.pdf](#)

2. REGULAR AGENDA

3. Public hearing on a new Class C2 Hotel/Motel Liquor License for Wingate by Wyndham Bismarck at 1421 Skyline Boulevard.

Documents:

[R\) ADMIN - New Liquor License - Wingate by Wyndham Bismarck.pdf](#)

4. Continued public hearing on Ordinance 6510, a zoning change from the CG-

Commercial zoning district to the RMH-Residential zoning district for Block 49 and part of Block 56, Governor Pierce Addition, requested by Bismarck Rental Properties, LLC.

Documents:

[R\) CD - Ord 6510.pdf](#)

5. Continued public hearing on on Ordinance 6511, a zoning change from the CG- Commercial zoning district to the RMH-Residential zoning district for Block 45, Governor Pierce Addition, requested by Bismarck Rental Properties, LLC.

Documents:

[R\) CD - Ord 6511.pdf](#)

6. Continued public hearing on Ordinance 6516, a zoning change from the RR – Rural Residential zoning district to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts for Paradise Valley Addition, requested by MBR Properties, LLC.

Documents:

[R\) CD - Ord 6516.pdf](#)

7. Public hearing on on Ordinance 6519, a zoning change from the RM30 – Residential and CG – Commercial zoning districts to the RMH – Residential zoning district for Lots 1-18, Block 10 and the S½ of the vacated Ingals Avenue adjacent to Lot 1, Block 10; Lots 1-24, Block 19; all of the vacated Indiana Avenue adjacent to Blocks 10 and 19; and Lots 1-5 and 13-24, Block 1, and the N½ of the vacated Michigan Avenue adjacent to Block 18, Coffin Addition.

Documents:

[R\) CD - Ord 6519.pdf](#)

8. Public Hearing for Approval of Waste Collection Franchise for Eco Sanitation, LLC.

Documents:

[R\) PW SO - Waste Collection Franchise for Eco Waste.pdf](#)

9. Public Hearing on Ordinance 6520 to Amend the 2022 Budget.

Documents:

[R\) FIN - Ord 6520 to Amend the 2022 Budget.pdf](#)

10. Request for resolution receiving bids and ordering preparation of the Engineer's Statement and resolution awarding contract for Street Improvement District SI 569.

Documents:

[R\) ENG - SI 569.pdf](#)

11. Continued discussion regarding the 2023 Bismarck- Burleigh Public Health budget.

Documents:

R) ADMIN - BBPH Budget Discussion.pdf

12. Federal Emergency Management Agency (FEMA) Risk Map Update.

Documents:

R) CD - FEMA Risk Map Update.pdf

13. Consider discussion of Street Utility Fee.

Documents:

R) ADMIN - Street Utility Fee Discussion.pdf

14. Other Business

Adjourn

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