



Board of City Commissioners

October 5, 2022

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, October 11, 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:

- October 25, 2022
- November 8, 2022 & November 22, 2022
- December 13, 2022 & December 27, 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. 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:

[September 27, 2022 - Minutes.pdf](#)

B. Consider approval of personnel actions

Documents:

[HR Personnel Actions.pdf](#)

C. Consider approval of expenditures

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

1. Application of gaming for the Mule Deer Foundation at The Pier, 1120 Riverwood Drive, Bismarck, ND, 58504.
2. Permission to grant approval of the land donated to BSC for the benefit of Gateway to Science as an in-kind contribution for the Flex PACE loan.

Documents:

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

[C\) ADMIN - Gateway to Science Flex PACE In-kind Contribution.pdf](#)

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

1. Development agreement with Executive Air Taxi Corporation.
2. Lease agreement with Simonson Holding Company, LLC.
3. Permission for the immediate hire of the newly approved (2023 Budget) Building Service Worker Position.
4. Permission to purchase three pick-ups from Nelson Auto Center at a total cost of \$122,165.76 and allow staff to enter into contracts for the purchase.
5. Permission to purchase airpacks for the Airport Fire Department.

Documents:

[C\) AIR - EATC Development Agreement.pdf](#)

[C\) AIR - Ground Lease Simson Holding Company.pdf](#)

[C\) AIR - Hire of Building Service Worker.pdf](#)

[C\) AIR - Purchase 3 Trucks.pdf](#)

[C\) AIR - SCBA Purchase.pdf](#)

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

1. Permission to accept donations for the Women's Way Program.

Documents:

[C\) BBPH - Womens Way Program Donation.pdf](#)

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

Permission to extend the closing date for the Riverwalk Purchase Agreement to November 1, 2022.

Documents:

[C\) ATTY - Edwards Property Extension.pdf](#)

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

1. Request from the Northern Plains National Heritage Foundation for a letter of support to pursue a Reconnecting Communities Pilot (RPC) Program grant application.
2. Introduction of and call for a public hearing on Corrected Ordinance 6519, a request for a zoning change from the RM30 – Residential and CG – Commercial zoning districts to the RMH – Residential zoning district for part of Blocks 10 and 18 and all of Block 19, Coffin Addition.
3. Introduction of and call for a public hearing on Ordinance 6523, a request for the annexation of a portion of Daybreak Second Addition and Ordinance 6524, a request for a zoning change from the A – Agricultural zoning district to the RT - Residential and CG – Commercial zoning districts where the Bismarck Planning and Zoning Commission recommends approval.
4. Introduction of and call for a public hearing on Ordinance 6525, a zoning change from the R10 – Residential zoning district to the RT - Residential zoning district for Lots 49 and 50, Block 2, Sonnet Heights Subdivision First Replat requested by Land One, Inc. where the Bismarck Planning and Zoning Commission recommends approval.
5. Introduction of and call for a public hearing on Ordinance 6527, a request for a zoning change from the P – Public zoning district to the P – Public and PUD – Planned Unit Development zoning districts, and minor subdivision final plat of Municipal Fourth Addition First Replat requested by the City of Bismarck and Denizen Properties, LLC. where the Bismarck Planning and Zoning Commission recommends approval.

Documents:

[C\) CD - Letter of Support.pdf](#)
[C\) CD - Ord 6519.pdf](#)
[C\) CD - Ord 6523 and 6524.pdf](#)
[C\) CD - Ord 6525.pdf](#)
[C\) CD - Ord 6527.pdf](#)

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

1. Consider approval of a North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for the Bismarck Expressway Pavement Rehabilitation project (Bismarck

Expressway and Washington Street to north of Main Avenue and Washington Street), CVD-NHU-CPU-1-810(031)002, PCN 23207; NHU-1-094(221)925, PCN 23208; SHE-1-810(032)002, PCN 23225; City project HC 145.

2. Consider approval of a North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for a University Drive Pavement Rehabilitation project (Signal Street to Bismarck Expressway), NHU-SU-1-804(050)072, PCN 23223, City project HC 146.
3. Consider approval of the North Dakota Department of Transportation (NDDOT) Cost Participation, Construction, and Maintenance Agreement for Bismarck Tyler Parkway Trail (TAU-1-981(129), HC 156 and Companion Agreement with the Bismarck Parks and Recreation District.
4. Consider Approval of Contract Change Order No. 1 for Street Improvement District SI 561.
5. Consider approval of Contract Change Order No. 1 for Sewer Utility Project SU 85.

Documents:

[C\) ENG - HC 145.pdf](#)
[C\) ENG - HC 146.pdf](#)
[C\) ENG - HC 156.pdf](#)
[C\) ENG - SI 561.pdf](#)
[C\) ENG - SU 85.pdf](#)

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

1. Applications for Abatement where the Assessing Division recommends approval.

Documents:

[C\) FIN - Abatements.pdf](#)

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

1. Permission to accept donations in the amount of \$500.00 to support public education and receive \$185.00 in public education materials.

Documents:

[C\) FD - Fire Safety Public Education Donation.pdf](#)

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

1. Authorization for the Police Department to produce Bismarck PD K-9 Calendars to be sold for fundraising for the BPD K-9 Teams.

Documents:

[C\) PD - K9 Calendar Request.pdf](#)

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

1. Request permission to purchase equipment at Sourcewell bid price and State of North Dakota bid price from vendors, Olympic Sales, Inc., Sanitation Products, Inc., and Nelson International, Inc.
2. Permission to sell Public Works retired equipment and vehicles at Mid State Auto Auction and Gov Deals Online Auction.

Documents:

[C\) PW SO - Permission to Purchase Fleet Equipment.pdf](#)

[C\) PW SO - Sale of Fleet Equipment and Vehicles.pdf](#)

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

1. Approval of Task Order 3 – Amendment 2 for the Hay Creek Interceptor from Century Avenue to Village Drive project.

Documents:

[C\) PW UO - Consulting Services for Hay Creek Interceptor.pdf](#)

3. REGULAR AGENDA

4. Public hearing and confirmation of the 2022 Health and Safety Assessments.

Documents:

[R\) FIN - 2022 Health and Safety Assessments.pdf](#)

5. Public hearing and confirmation of the 2022 Special Assessment Districts.

Documents:

[R\) FIN - Confirmation of Special Assessment List.pdf](#)

6. Public hearing for Ordinance 6521, the final annexation and major subdivision final plat for Country West XXXI Addition, requested by Darren Schmidt, Scott Bina, and Shannon Schlinger.

Documents:

[R\) CD - Ord 6521.pdf](#)

7. ~~Consider the request for a water service contract agreement with Parkview Mobile Home Park, LLC.~~

Documents:

[R\) ATTY - Water Service Contract Agreement.pdf](#)

8. Continued discussion on Amendment 3 to the Bis-Man Transit Board 2016 brokerage agreement.

Documents:

[R\) ATTY - Bis-Man Transit Continued Discussion.pdf](#)
[R\) ATTY - Bis-Man Transit Board Brokerage Contract Request 9.27.2022.pdf](#)
[R\) ATTY - Bis-Man Transit Board Brokerage Contract Request 9.13.2022.pdf](#)

9. Consider the request of a major subdivision final plat of the Yegen Strip Addition, requested by Plains Leasing, LLC.

Documents:

[R\) CD - Yegen Strip Addition.pdf](#)

10. Consider the application of tax abatement requested by Bismarck Skyline Hotel Partner for the 2022 assessment year, where the Assessing Division recommends denial on the request but recommends approval of a reduced amount.

Documents:

[R\) FIN - Abatement.pdf](#)

11. Consider the request for guidance regarding errors made by Burleigh County in collecting the Bismarck Veterans' Memorial Public Library's property taxes in fiscal years 2021 and 2022.

Documents:

[R\) FIN - Errors with Prior Year Library Property Tax Collections.pdf](#)

12. Receive a report regarding various traffic offenses.

Documents:

[R\) PD - Traffic Offense Update.pdf](#)

- 13. Consider the request to authorize the issuance and award bids for the 2021 Special Assessment Bonds.**

Documents:

[R\) FIN - 2022 Special Assessment Bonds.pdf](#)

14. Other Business

Adjourn

Phone: 701-355-1300 | 221 North 5th Street | P.O. Box 5503 | Bismarck, ND 58501
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