



## Board of City Commissioners

November 2, 2022

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, November 8, 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](mailto: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 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](http://www.bismarcknd.gov/agendacenter).

### Call to Order

### FUTURE COMMISSION MEETINGS:

- November 22, 2022
- December 13, 2022 & December 27, 2022
- January 10, 2023 & January 24, 2023

### 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. Recognition of Travis Carufel as recipient of the Operator of the Year Award.

### 3. CONSENT AGENDA

#### A. Consider approval of minutes

Documents:

[October 17, 2022 - Special Meeting Minutes.pdf](#)  
[October 25, 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. Consider the proposed meeting schedule for the 2023 Board of City Commissioners meetings.
2. Permission to purchase a Kyocera TASKalfa 6054ci printer/copier /scanner/fax for the use by the Administration, Legal, and Human Resources Departments.
3. Introduction of and call for a public hearing on a request for a new Class F-1 Restaurant Full Alcohol Liquor License for Elite Golf 2, LLC. (dba) X-Golf Bismarck at 1441 East Lasalle Drive.
4. Introduction of and call for a public hearing on a request to transfer the Class E Beer Only Liquor License from TBT, Inc. (dba) Midway Tavern to Midway Tavern, LLC (dba) Midway Tavern at 1915 East Sweet Avenue.

Documents:

[C\) ADMIN - 2023 City Commission Schedule.pdf](#)  
[C\) ADMIN - Copier Purchase.pdf](#)  
[C\) ADMIN - New Liquor License - Xgolf Bismarck.pdf](#)  
[C\) ADMIN - Transfer Liquor License - Midway Tavern.pdf](#)

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

1. Change Order 8 to Agreement with Edling Electric for Wetland Phase 5/6 Project.
2. Amendment 2 to September 8, 2020, Agreement with KLJ for Wetland Phase 5/6 Project.
3. Omnibus Rider to Long Term Ground Leases Agreement and Memorandum of Lease with Simson Investment Company and BNC National Bank.

Documents:

- [C\) AIR - Edling Electric Change Order No. 8.pdf](#)
- [C\) AIR - KLJ Wetland Phase 5-6, Amendment 2.pdf](#)
- [C\) AIR - Simson Mortgage Assignment.pdf](#)

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

1. Waiver of the contingency for the vacation of non-access on the plat for the new fire station land purchase.

Documents:

- [C\) ATTY - Fire Station Purchase Agreement Waiver.pdf](#)

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

1. Introduction of and call for a public hearing on Ordinance 6528, a request for a zoning change for Frank Addition from the A – Agricultural zoning district to the CG – Commercial zoning district, requested by Calvin and Brenda Mertz and Frank Properties, LLC., where the Bismarck Planning and Zoning Commission recommends approval.
2. Introduction of and call for a public hearing on Ordinance 6529, a request for a zoning change for Aster Ridge Subdivision from the A – Agricultural zoning district to the RR5 – Residential zoning district, requested by Tim and Deb Staloch, where the Bismarck Planning and Zoning Commission recommends approval.
3. Introduction of and call for a public hearing on Ordinance 6530, a request for a zoning change for Brunskill Subdivision from the A – Agricultural zoning district to the RR5 – Residential zoning district, requested by Daniel Brunskill, where the Bismarck Planning and Zoning Commission recommends approval.
4. A request of Calvin and Brenda Mertz and Frank Properties, LLC. for the vacation of a portion of Ottawa Street right-of-way adjacent to the proposed Frank Addition.
5. A request of Plains Leasing, LLC. for approval of a revised major subdivision final plat for the Yegen Strip Addition.

Documents:

- [C\) CD - Ord 6528.pdf](#)
- [C\) CD - Ord 6529.pdf](#)
- [C\) CD - Ord 6530.pdf](#)
- [C\) CD - Vacation of Ottawa St Right-of-Way.pdf](#)
- [C\) CD - Yegen Strip Addition - Major Subdivision Final Plat.pdf](#)

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

1. The dedication and acceptance of an offsite right of way and utility easement between Yukon Dr. as platted in Daybreak Addition and Yukon Dr. to be platted as part of Daybreak Second Addition.
2. Approval of the North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement for State Street Trail Project CRP-1-083(144)089, PCN 23671, City Project HC 157.
3. Approval of the North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement for Bismarck Expressway Traffic Signal Project NHU-SU-1-810(033)022, PCN 23741, City Project HC 160.
4. Approval of a contract for sidewalk snow removal services with Yard Butler for the 2022-2023 winter season.

Documents:

- [C\) ENG - Daybreak Second ROW and Utility Easement.pdf](#)
- [C\) ENG - HC 157.pdf](#)
- [C\) ENG - HC 160.pdf](#)
- [C\) ENG - Snow Removal Agreement-Yard Butler.pdf](#)

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

1. Approve Krause-Anderson as Construction Manager at Risk for services for the arena locker rooms expansion.

Documents:

- [C\) EC - Construction Manager at Risk.pdf](#)

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

1. Applications for Abatement where the Assessing Division recommends approval.
2. Receive, consider, and award bid for banking services.

Documents:

- [C\) FIN - Abatements.pdf](#)
- [C\) FIN - 2022 Banking Services Bid Approval.pdf](#)

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

1. Permission for the Police Department to accept a donated K9 from the Payson, AZ, Police Department.

Documents:

[C\) PD - Permission to Accept Donated K9.pdf](#)

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

1. Approval to accept Task Order no. 22-02 from Houston Engineering for the Solid Waste Operations to provide support services for the Public Works Expansion Fuel Tank Spill Prevention Containment and Control Plan (SPCC).

Documents:

[C\) PW SO - Solid Waste Operations Engineering Services.pdf](#)

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

1. Consider the request for funding from the State of North Dakota for a National Sanitation Foundation (NSF) approved food-safe carbon dioxide (CO<sub>2</sub>) holding facility or a state-owned facility to store a constant supply of CO<sub>2</sub>. The constant supply of CO<sub>2</sub> would be used to treat drinking water in ND and provide access and transport of the CO<sub>2</sub> to the water treatment facilities.

Documents:

[C\) PW UO - CO2 Shortage.pdf](#)

#### 4. REGULAR AGENDA

5. Commissioner Portfolio Report - Commissioner Splonskowski
6. Public hearing on Ordinance 6524, the Annexation of Daybreak Second Addition, located in north Bismarck, between 57th Avenue NE and ND Highway 1804, along the west side of US Highway 83 (part of Section 9, T139N-R80W/Hay Creek Township), requested by TPR LLP, Belfield Access Terminal LLC, and Ronald and Ruth Knutson.

Documents:

[R\) CD - Ord 6524.pdf](#)

7. Consider a request to pursue grant funding from the Building Resilient Infrastructure and Communities (BRIC) Program for a south Bismarck flood control project.

Documents:

[R\) ENG - BRIC Funding Request.pdf](#)

#### 8. Other Business

Adjourn

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