



## Board of City Commissioners

December 7, 2022

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, December 13, 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](https://www.bismarcknd.gov/agendacenter).

### Call to Order

### FUTURE COMMISSION MEETINGS:

- December 27, 2022
- January 10, 2023 & January 24, 2023
- February 14, 2023 & February 28, 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. CONSENT AGENDA

A. Consider approval of minutes

Documents:

[November 22, 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 approving recommendations to the Bismarck Human Relations Committee and the Bismarck Vision Fund Committee.
2. Consider approving the recommendation from the Bismarck Human Relations Committee to donate funds to the Martin Luther King, Jr. Holiday Commission to help support activities on January 16, 2023, recognizing Dr. King.
3. Introduction of and call for a public hearing on a request for a new Class F-1 Restaurant Full Alcohol Liquor License for Charras B, Inc. (dba) Sazón at 4510 Skyline Crossings.

Documents:

[C\) ADMIN - Board Appointments.pdf](#)  
[C\) ADMIN - Human Relations Committee.pdf](#)  
[C\) ADMIN - New Liquor License - Sazon.pdf](#)

E. Consider the request for approval from Bismarck Burleigh Public Health for the following:

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

Documents:

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

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

1. Consider approving the increase of insurance limits for all new City contracts.
2. Consider approval of City/County building lease and Information Technology services with Burleigh County.

Documents:

- C) ATTY - Insurance limits.pdf
- C) ATTY - Lease and IT contracts with County.pdf
- C) ATTY - Lease and IT contracts with County - 2023 IT Services.pdf
- C) ATTY - Lease and IT contracts with County - BuildingLease final.pdf

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

1. Consider approving recommendations for the following board appointments:
  - Board of Adjustment
  - Historic Preservation Commission
  - Parking Authority
  - Planning and Zoning Commission
  - Renaissance Zone Authority
2. Introduction of and call for a public hearing on Ordinance 6526, a zoning change from the RT – Residential and CG – Commercial zoning districts to the CG – Commercial zoning district for Lot 1 and part of Lot 2, Block 1, Meadow Lark Hill Second Addition Replat requested by HISB Properties, LLC.
3. Introduction of and call for a public hearing on Ordinance 6531, a zoning change from the P – Public zoning district to the MA – Industrial zoning district for Lot 5 and the E½ of the vacated Georgia Street adjacent, Block 2, Shamrock Industrial Park requested by Park Avenue Properties, LLP.
4. Introduction of and call for a public hearing on Ordinance 6532, a zoning ordinance text amendment to include provisions to allow limited commercial recreation uses in the CA – Commercial zoning district.
5. Introduction of and call for a public hearing on Together 2045: Bismarck's Comprehensive Plan.
6. Minor subdivision final plat of Christianson First Addition First Replat, requested by The Shoppes at Osgood, LLC.
7. Request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval to submit an FY24 5310 Grant Application.
8. Request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval to submit an FY24 5339 Grant Application.

Documents:

C) CD - BOA Member Appointment.pdf  
C) CD - HPC Member Appointment.pdf  
C) CD - PA Member Appointment.pdf  
C) CD - P and Z Member Appointment.pdf  
C) CD - RZA Member Appointments.pdf  
C) CD - Ord 6526.pdf  
C) CD - ORD 6531.pdf  
C) CD - Ord 6532.pdf  
C) CD - Together 2045.pdf  
C) CD - Christianson First Addition.pdf  
C) CD - Transit FY24 5310 Application.pdf  
C) CD - Transit FY24 5339 Grant Application.pdf

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

1. Consider approval of Right of Plats, Warranty Deeds, and Temporary Construction easements associated with Ash Coulee Drive Reconstruction HC 143.
2. Consider approval of the North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for the 7th Street mill and overlay (Bismarck Expressway to Front Avenue), NHU-1-083(139)900, PCN 23201, HC 151.
3. Consider approval of award concurrence of 9th Street mill and overlay project NHU-1-083(140)900, PCN 23202, City Project HC 152.
4. Consider approval of award concurrence of N Bismarck Expressway concrete pavement repair project NHU-1-094(226)925, PCN 23346, City Project HC 154.
5. Consider approval of the North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement for State St/Boulevard Avenue/7th Street/9th Street concrete pavement repair project NHU-1-083(145)901 - PCN 23742, NHU-1-083(146)900 - PCN 23743, SU-1-981(136) - PCN 23747, City Project HC 162.
6. Consider approval of Contract Change Order No. 1 for SI 564 for a time extension.
7. Consider approval of a Development Agreement with Calvin and Brenda Mertz relating to Frank Addition.
8. Consider approval of agreements with BNSF Railway Company granting an easement for borrow material excavation on City property and granting an access easement to BNSF property through City property and a separate construction easement on City property to repair erosion.
9. Consider approval of an encroachment agreement with Bismarck Renaissance LLC.
10. Consider approval of the Developer's request to publicly bid on sanitary sewer, water main, and storm sewer with a single project.

11. Consider approval of agreement and waiver with Michelle & Michael Gayette, Purchaser, and Cory Wrolstad, Owner, for an existing garage within the right of way of Hannifin Street.

Documents:

- C) ENG - HC 143.pdf
- C) ENG - HC 151.pdf
- C) ENG - HC 152.pdf
- C) ENG - HC 154.pdf
- C) ENG - HC 162.pdf
- C) ENG - SI564.pdf
- C) ENG - Development Agreement - Frank Addition.pdf
- C) ENG - Easement Agreement - BNSF.pdf
- C) ENG - Encroachment Agreement - Bismarck Renaissance LLC.pdf
- C) ENG - Paradise Valley Bid.pdf
- C) ENG - Right of Way Agreement and Waiver - 423 W Broadway.pdf

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

1. Applications for Abatement where the Assessing Division recommends approval.
2. Consider approval to use the North Dakota (ND) State Contract to purchase Microsoft Licensing from Softchoice, contract vendor 089-01.
3. Consider approval of the resolution authorizing the issuance and sale of \$25M in wastewater revenue bond, series 2022, from the State Revolving Fund Program for the purpose of constructing the Hay Creek Lift Station in north Bismarck.
4. Consider approval of the use of \$1.9M of the 2022 Operation Prairie Dog/House Bill 1066 funding to finance the remaining cost of the Wastewater Treatment Plant Disinfection and Dewatering Project.

Documents:

- C) FIN - Abatements.pdf
- C) FIN - Microsoft Licensing.pdf
- C) FIN - Hay Creek Lift Station Wastewater Revenue Bond Series 2022.pdf
- C) FIN - Wastewater Treatment Plant Disinfection and Dewatering.pdf

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

1. Permission to purchase three sets of extrication equipment through HGAC-Buy Contract number EE08-19 through Ultimate Safety Concepts, Inc.

Documents:

- C) FD - Purchase Extrication Equipment.pdf

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

1. Donation of a water and ice dispenser from the Fraternal Order of Eagles.
2. Donation from Kaitlyn and Brenton Green.
3. Donation from Scheels Sporting Goods in the amount of \$15,000.
4. Permission to sell five decommissioned police vehicles through Mid States Auto Auction and transfer one decommissioned police vehicle to the Bismarck Municipal Airport.

Documents:

- [C\) PD - Eagles Donation.pdf](#)
- [C\) PD - Kaitlyn and Brenton Green Donation.pdf](#)
- [C\) PD - Scheels Donation.pdf](#)
- [C\) PD - Sell 5 Decommissioned Police Vehicles.pdf](#)

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

Permission to retire and scrap crash attenuator and recycle the metal to Gerdau Inc. and permission to sell surplus ductile pipe via online auction.

Documents:

- [C\) PW SO - Retire PW Equipment and Sell Surplus Pipe.pdf](#)

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

1. Consider the request to award the 2023 chemical bids for water/wastewater treatment.
2. Permission to submit loan documents for a State Revolving Fund for sanitary sewer and stormwater improvements.
3. Permission to award the bid for one new skidded polymer batching system to be installed at the Water Treatment Plant to VeloDyne who submitted the low bid of \$77,437.
4. Approval of a joint-funding agreement with the United States Geological Survey (USGS) for Hay Creek monitoring services in the amount of \$12,100 for a period of one year.

Documents:

- [C\) PW UO - 2023 Chemical Bid Awards.pdf](#)
- [C\) PW UO - Polymer Batching System Bid Award.pdf](#)
- [C\) PW UO - CWSRF Loan Request.pdf](#)
- [C\) PW UO - USGS Joint Funding Agreement.pdf](#)

### 3. REGULAR AGENDA

4. Receive an update from Brian Ritter regarding the Bismarck-Mandan Chamber EDC's activities and efforts.

Documents:

[R\) ADMIN - Chamber EDC Update.pdf](#)

5. Public hearing on approval of a vacation of a portion of the Ottawa Street right-of-way adjacent to the proposed Frank Addition, requested by Calvin and Brenda Mertz and Frank Properties, LLC.

Documents:

[R\) CD - Vacation of Ottawa Street.pdf](#)

6. Receive an update on the water rates study from Stantec.

Documents:

[R\) PW UO - Utility Rate Study Update.pdf](#)

7. Public comment on Utility Rate Study Update from Stantec.
8. Consider directing staff to draft amendments to Chapter 5-05 Taxicabs of the City Code of Ordinances.

Documents:

[R\) ADMIN - Taxi Ordinance.pdf](#)

9. Provide direction on two items in an employee grievance that the majority of the Civil Service Commission found were not reasonable interpretations of the policy.

Documents:

[R\) ATTY - Civil Service Commission Findings and Direction.pdf](#)  
[R\) ATTY - Civil Service Commission Findings and Direction - Inclement Weather Policy.pdf](#)  
[R\) ATTY - Civil Service Commission Findings and Direction - Email.pdf](#)  
[R\) ATTY - Civil Service Commission Findings and Direction - 12.5.2022 Findings.pdf](#)

10. Provide direction on how to revise the Inclement Weather policy.

Documents:

[R\) HR - Inclement Weather Policy Update.pdf](#)

11. Other Business

Adjourn



