



Board of City Commissioners

February 23, 2023

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, February 28, 2023, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

Invocation 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 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.

Pledge of Allegiance by Boy Scout Troop 6

Presentation by Mark Zimmerman of the History on Boy Scout Troop 6

Call to Order

FUTURE COMMISSION MEETINGS:

- March 14, 2023 & March 28, 2023
- April 11, 2023 & April 25, 2023
- May 9, 2023 & May 23, 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 - 1

A. Consider approval of minutes

Documents:

[February 14, 2023 - Minutes.pdf](#)

B. Consider approval of personnel actions

Documents:

[HR Personnel Report.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 F1 Restaurant Full Alcohol license for Old 10 Bar & Grill, LLC (dba) Old 10 Bar & Grill, LLC at 4100 North Washington Street.
2. Introduction of and call for a public hearing on a request for a new Class F2 Restaurant Beer and Wine alcohol license for The Jousting Lemur, LLC (dba) The Jousting Lemur at 514 East Main Avenue.

Documents:

[C\) ADMIN - New Alcohol License - Old 10 Bar and Grill.pdf](#)

[C\) ADMIN - New Alcohol License - The Jousting Lemur.pdf](#)

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

1. A temporary work proposal for Weisz & Sons for the Wetland Phase 5/6 Project.

Documents:

[C\) AIR - Weisz Temporary Work Proposal.pdf](#)

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

1. Permission to participate in the pharmacy opioid multi-district litigation settlement.
2. Consider approval of an engagement letter and retaining of Jeffrey Cairns, Esq. of Stinson, LLP as the City of Bismarck pension attorney.

Documents:

- [C\) ATTY - Opioid litigation.pdf](#)
- [C\) ATTY - Pension Counsel.pdf](#)

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

1. Permission to apply for grant funding from AARP's Community Challenge Grant.

Documents:

- [C\) BBPH - AARP Community Challenge Grant.pdf](#)

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

1. Recommended appointment for the Board of Adjustment.
2. A request from Ron and Ruth Knutson for approval of a revised major subdivision final plat for Boden Addition located at located in north Bismarck, on the east side of North Washington Street and the south side of East Lasalle Drive (part of the W1/2 of Section 16, T139NR80W/City Lands and a replat of Lots 2 and 3, Block 1 and Lot 4, Block 2, Boulder Ridge Fifth Addition), where staff recommends approval.
3. A request from Bismarck Parks and Recreation District to release a franchise utility easement over Lot 10, Block 1, Hay Creek Park Addition, where staff recommends approval.
4. A request from Heritage Development, Inc. to release a portion of a non-access line adjacent to Lot 11, Block 3, Heritage Park Second Addition, where staff recommends approval.
5. Introduction of and call for a public hearing on Ordinance 6544, Bismarck Building Code, and Fire Prevention Code Update, where staff recommends approval.

Documents:

- [C\) CD - BOA Appointment.pdf](#)
- [C\) CD - Boden Revision.pdf](#)
- [C\) CD - Hay Creek Park Addition.pdf](#)
- [C\) CD - Heritage Park 2nd Addition.pdf](#)
- [C\) CD - Ord 6544.pdf](#)

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

1. Consider approval and acceptance of utility easements and stormwater and drainage easements associated with Burleigh County Housing

Addition First Replat.

2. Consider approval and acceptance of a sidewalk easement granted by Kirkwood Mall Acquisition, LLC.
3. Consider the request for a resolution creating districts and ordering the preparation of preliminary reports, the request for a resolution approving the preliminary reports and directing the preparation of plans and specifications, the request for a resolution approving plans and specifications, and the request for a resolution directing the advertisement of bids and receive bids for Sewer Improvement District SE 583.
4. Consider the request to hear insufficiency of protests on a resolution of necessity, the request for a resolution approving plans and specifications, and consider the request for a resolution directing the advertisement of bids and receive bids for street improvement district SI 570.
5. Consider approval of the resolution of necessity for Street Improvement District SI 572.
6. Consider the request to hear insufficiency of protests on the resolution of necessity for the street improvement district and request for resolution receiving bids and ordering the preparation of the engineer's statement for Street Improvement District SI 574.

Documents:

- C) [ENG - Burleigh County Housing Authority Easements.pdf](#)
- C) [ENG - Kirkwood Mall Sidewalk Easement.pdf](#)
- C) [ENG - SE 583.pdf](#)
- C) [ENG - SI 570.pdf](#)
- C) [ENG - SI 572.pdf](#)
- C) [ENG - SI 574.pdf](#)

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

1. Permission to sell off/dispose of Roads and Streets Sweeper via online auction.

Documents:

- C) [PW SO - Sell RS Sweeper via Online Auction.pdf](#)

3. CONSENT AGENDA - 2

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

1. Tentative 2024 Budget Calendar.
2. Applications for abatement.

Documents:

[C\) FIN - 2024 Budget Calendar.pdf](#)
[C\) FIN - Abatements.pdf](#)

4. REGULAR AGENDA

5. Commissioner Mark Splonskowski correcting the record on the February 14, 2023, Bismarck City Commission Meeting.
6. Receive a report from the Bismarck Riverfront Planning Partners and provide a letter of support to pursue State, Federal, and Non-Profit grants for publicly spirited components of the project.

[Tourism Planning Grant | Matching Funds Request](#)

Documents:

[R\) ADMIN - Bismarck Riverfront Planning.pdf](#)

7. Application for abatement where the Assessing Division recommends denial.

- Application for abatement for 2022
Property Owner - Weishan Jin
Property Address - 800 South 3rd Street
Parcel ID - 0606-020-036

Documents:

[R\) FIN - Abatement - 800 S 3rd St.pdf](#)

8. Public hearing on the zoning change as outlined in Ordinance 6535 for TNK Ranch Subdivision, requested by Thomas and Kim Fettig, and consider approval of the major subdivision final plat.

Documents:

[R\) CD - Ord 6535.pdf](#)

9. Public hearing on Ordinance 6538, a zoning change from the RT – Residential zoning district to the R10 – Residential zoning districts for Lots 9, 10 and the South 25.4 feet of Lot 11, Block 7, Replat of Homan Acres, requested by Gwen and Timothy Beckler (Lot 9) and John and Angela Glaser (Lot 10 and the South 25.4 feet of Lot 11).

Documents:

[R\) CD - Ord 6538.pdf](#)

10. Public hearing on Ordinance 6539, a zoning change from the RT – Residential zoning district to the Conditional CA – Commercial zoning district for Lots 1 and 2, Block 1, Kilber North Addition First Replat, requested by The Ridge LLC.

Documents:

[R\) CD - Ord 6539.pdf](#)

11. Public hearing on Ordinance 6540, a zoning change from the RM15 – Residential zoning district to the RM30 – Residential zoning district for Lot 1, Block 2, Paradise Valley Addition, requested by MBR Properties, LLC.

Documents:

[R\) CD - Ord 6540.pdf](#)

12. Public hearing on Ordinance 6541, a zoning change from the RM15 – Residential zoning district to the RM20 – Residential zoning district for Lot 1, Block 3, Cottonwood Parkview Addition First Replat, requested by EWR Bismarck Land South, LLC.

Documents:

[R\) CD - Ord 6541.pdf](#)

13. Consider approval of a request to modify the NDDOT Urban Road project request to pavement rehabilitation improvements such as mill and overlay are an appropriate pavement treatment, and the adjacent property ownership make the improvement an outlier for our typical special assessment policy.

Documents:

[R\) ENG - NDDOT Urban Roads Solicitation.pdf](#)

14. Consider the request by Ignite Dispensary and Cigar to temporarily close a portion of Bowen Avenue for a block party on April 20, 2023.

Documents:

[R\) PD - Bowen Avenue Closure Request.pdf](#)

15. Receive an update on the utility rates study.

Documents:

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

16. Consider review and discussion of the 2023 Legislative Report #3.

Documents:

[R\) ADMIN - 2023 Legislative Report.pdf](#)

17. Other Business

Adjourn

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