



## Board of City Commissioners

April 5, 2023

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, April 11, 2023, 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:

- April 25, 2023
- May 9, 2023 & May 23, 2023
- June 13, 2023 & June 27, 2023

#### MISSION STATEMENT

To provide high-quality public services in partnership with our community to enhance our quality of life.

#### Fair Housing Month Proclamation

#### MEETING OF THE BOARD OF CITY COMMISSION

1. Oath of Office for Newly Appointed Commissioner, Administered by the City Attorney.

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

3. CONSENT AGENDA

A. Consider approval of minutes

Documents:

[March 24, 2023 - Minutes.pdf](#)

[March 28, 2023 - 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 draft response letter to the Federal Emergency Management Administration (FEMA) regarding the City of Bismarck's preliminary Flood Insurance Rate Map (FIRM) changes.
2. Consider the request to renew charitable applications for gaming.
3. Consider approval of a financial contribution to the ND League of Cities to support the 2023 Annual Conference.

Documents:

[C\) ADMIN - FEMA Response Letter.pdf](#)

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

[C\) ADMIN - NDLC Annual Conference Support.pdf](#)

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

1. Receive and consider bids for the Airfield Painting Project.
2. Consider an Engineering Agreement with KLJ for Asphalt Pavement Maintenance Project.

Documents:

[C\) AIR - Bids for Airfield Painting Project.pdf](#)

[C\) AIR - KLJ Asphalt Rehabilitation.pdf](#)

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

1. Consider the introduction and call for a public hearing on Ordinance 6548 to amend the criminal trespass for remaining after a request to leave premises to be an offense, not an infraction.

2. Consider the introduction and call for a public hearing on Ordinance 6549 to amend the liquor license ordinances.

Documents:

- C) [ATTY - Ord 6548.pdf](#)
- C) [ATTY - Ord 6549.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 6536, a request for annexation of parts of Silver Ranch Third Addition and Silver Ranch Fourth Addition, requested by Investcore, Inc. and Silver Ranch 19 LLLP, which the Bismarck Planning and Zoning Commission recommends approval.
2. Introduction of and call for a public hearing on Ordinance 6537, a request for a zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, and CA – Commercial zoning districts for Silver Ranch Fourth Addition, requested by Investcore, Inc. and Silver Ranch 19 LLLP, which the Bismarck Planning and Zoning Commission recommends approval.
3. Consideration of Subordination Agreement between the City of Bismarck and Beyond Shelter, Inc.
4. Minor Subdivision final plat of Sykes Second Addition, requested by Northern Improvement Company, which the Bismarck Planning and Zoning Commission recommends approval.
5. A request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval of the Bis-Man Transit Bus Engine Replacement Request.
6. A request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval of the Bis-Man Transit Vehicle Purchase Request.

Documents:

- C) [CD - Ord 6536 and 6537.pdf](#)
- C) [CD - Subordination Agreement.pdf](#)
- C) [CD - Sykes Second Addition.pdf](#)
- C) [CD - Transit Bus Engine Replacement.pdf](#)
- C) [CD - Transit Vehicle Purchase Request.pdf](#)

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

1. Consider approval of the development agreement with Blue Water

Development, LLC.

2. Consider approval of Contract Change Order No. 1 for Street Improvement District SI 559B.
3. Consider Request for Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement and Resolution Awarding Contract for Street Improvement District SI 570.
4. Consider Request for Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement and Resolution Awarding Contracts for Parts A-1, A-2, and B for the construction of sidewalk, curb and gutter and driveways 2023 CC2023 - Parts A&B.

Documents:

- C) ENG - Development Agreement - Blue Water Development.pdf
- C) ENG - SI 559B.pdf
- C) ENG - SI 570.pdf
- C) ENG - Award City Concrete.pdf

- I. Consider the request for approval from the Finance Department for the following:
  1. Applications for abatement.

Documents:

- C) FIN - Abatements.pdf

- J. Consider the request for approval from the Public Works - Service Operations Department for the following:
  1. Award bid for Concrete Street Light Poles to Graybar Electric Company, Inc. for Public Works Service Operations Electrical Division.
  2. Permission to award the contracts for 2023 Furnishing Paving Materials.
  3. Approval of Task Order 23-01 for groundwater sampling agreement with Houston Engineering.
  4. Approve bid awards for a 2-year contract for hayland mowing at the landfill.
  5. Permission to award the bid for installation of painted pavement marking.
  6. Permission to sell/dispose of vehicles and equipment at public sale.
  7. Permission to sell surplus vehicles and equipment at the City Auction.
  8. Permission to negotiate with Sitelogiq to provide Guaranteed Savings Program Services.
  9. Permission to award the stump ginding contract.

Documents:

- C) PW SO - Concrete Street Light Poles.pdf
- C) PW SO - Furnishing Paving Materials.pdf
- C) PW SO - Groundwater Sampling Agreement - Houston Engineering.pdf
- C) PW SO - Landfill Hayland Bid.pdf
- C) PW SO - Painted Pavement Marking Bid.pdf
- C) PW SO - Sell or Dispose of Vehicles and Equipment at Public Sale.pdf
- C) PW SO - Sell Surplus Vehicles and Equipment at City Auction.pdf
- C) PW SO - Sitelogiq Energy Efficiency Contract.pdf
- C) PW SO - Stump Grinding Bid.pdf

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

1. Consider approval of an agreement with Soo Line Railroad Company doing business as Canadian Pacific for the Hay Creek Interceptor project.
2. Consider approval of the Change Order for the Professional Services Agreement Amendment No. 1 relating to the use of FAMS-XL software.
3. Consider approval of Change Order No.16 on the Public Works Expansion project.

Documents:

- C) PW UO - Hay Creek Interceptor Right of Entry.pdf
- C) PW UO - Professional Services Agreement Change Order.pdf
- C) PW UO - PW Expansion Change Order Request No. 16.pdf

#### 4. REGULAR AGENDA

5. Public hearing on the request to transfer the Class C-2 Hotel or Motel Alcohol License from Dosch Hospitality, Inc. (dba) Expressway Suites to BDH3 – Bismarck, LLC. (dba) Expressway Suites at 180 East Bismarck Expy.

Documents:

- R) ADMIN - New Liquor License - Expressway Suites.pdf

6. Public hearing on the request for a new Class F1 Restaurant Full Alcohol license for MayaS Incorporated (dba) MayaS at 1601 West Century Avenue.

Documents:

- R) ADMIN - New Alcohol License - MayaS.pdf

7. Public hearing on Ordinance 6543 to amend the personnel regulation portion of the code regarding at-will employees.

Documents:

- R) ATTY - Ord 6543.pdf

8. Consider the request to hear Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 572.

Documents:

R) ENG - SI 572.pdf

9. Continue discussion on Utility Rate approach and Survey results.

Documents:

R) PW UO - Utility Rates Study Update.pdf

10. Review and discuss 2023 Legislative Report.

Documents:

R) ADMIN - Legislative Report.pdf

11. Other Business

Adjourn

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