



February 9, 2021

Board of City Commissioners
Bismarck, N.D.

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, February 9, 2021 at 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 N. 5th St. Bismarck, N.D. 58501.

Invocation and the Pledge of Allegiance presented by a Chaplain from the Bismarck Police Department.

Due to the ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments for consent and regular agenda items on the Bismarck City Commission agenda via email to bismarckadmin@bismarcknd.gov. Please include which item number your comment references. The comments will be sent to the members, as well as placed with the minutes.

To ensure your comments are received prior to the meeting, please submit them by 3:30 p.m. on the day of the meeting and reference which agenda 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 e-mail address and contact information to the above e-mail at least 1 business day before the meeting.

The physical meeting room will be open to the public, but we certainly understand the public wishing to limit their exposure at the time but still participate in government. Before entering the City/County Building, all individuals should self-screen for COVID-19 symptoms or potential exposure and if unable to pass the screening protocol, will be expected to participate remotely in the meeting for the public's safety. Some of the members may attend this meeting remotely.

As always, live meeting coverage on Government Access Channels 2 & 602HD, Listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found online at www.bismarcknd.gov/agendacenter.

Future Commission Meetings:

February 23
March 9 & 23
April 13 & 27

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. Consider the approval of the minutes.

Documents:

[MN012621.pdf](#)
[SM12721.pdf](#)

3. CONSENT AGENDA

- A. Consider approval of expenditures.
- B. Consider approval of personnel actions.

Documents:

[HR Personnel Report.pdf](#)

- C. Consider the request for approval from the Administration Department for the following:
 1. Introduction of and call for a public hearing on a new Class M Liquor License for the Harvest LLC (dba) Harvest Catering and Events.

Documents:

[\(C\) ADMIN - New Liquor License.pdf](#)

- D. Consider the request for approval from the Attorney for the following:
 1. Ratify the February 19, 2021 State of Emergency Declaration, relating to COVID-19 by the President of the City Commission and extend its effect to March 6, 2021.

Documents:

[\(C\) ATTY - Emergency Declaration.pdf](#)

- E. Consider the request for approval from Bismarck-Burleigh Public Health for the following:
 1. Grant permission to apply for NDSU's Junior Master Gardener Program Grants.
 2. Grant permission to accept donations for the Women's Way Program.

Documents:

- [\(C\) BBPH - Master Gardener Grant.pdf](#)
- [\(C\) BBPH - WWAY Donations.pdf](#)

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

1. Introduction of and call for a public hearing on Ordinance 6449, a request for the annexation of parts of Promontory Point VI Addition and Promontory Point VII Addition. The Bismarck Planning and Zoning Commission recommends approval.
2. Introduction of and call for a public hearing on Ordinance 6448, a request for the annexation of the remainder of Sattler's Sunrise Tenth Addition. The Bismarck Planning and Zoning Commission recommends approval.
3. Approve the authorization of Bis-Man Transit to apply for Section 5310 and Section 5339 funding through North Dakota Department of Transportation.
4. Approve a request from Montana-Dakota Utilities (MDU), Midcontinent and CenturyLink to release the utility easements over Lots 1-4, Block 1, 3-11, Block 3,1 and 21-26, Block 5, and 1-22 and 30-36, Block 9, Southland Second Addition. Staff recommends approval.
5. Grant permission to apply for an ESG-CV Grant for COVID-19 Homeless Sheltering Costs.

Documents:

- [\(C\) CD - Promontory Point Annexations.pdf](#)
- [\(C\) CD - Sattlers Sunrise Annexation.pdf](#)
- [\(C\) CD - BisMan Transit Grant Filing.pdf](#)
- [\(C\) CD - Southland Easement Release.pdf](#)
- [\(C\) CD - ESG-CV Grant Application.pdf](#)

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

1. Approve a sidewalk easement at Southland Second Addition.
2. Approve a storm water and drainage easement for Burleigh County Housing Addition.
3. Approve a storm water and drainage easement and maintenance agreement for Carols Addition.
4. Street Improvement District No. 541 - Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
5. Street Improvement District No. 542 - Request for resolution of necessity.
6. Street Improvement District No. 543 - Request for resolution creating district SI543 and ordering preparation of the preliminary report. Request for resolution approving the preliminary report and directing preparation of plans and specifications.

7. Street Improvement District No. 544 - Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.

Documents:

- (C) ENG - Sidewalk Easement.pdf
- (C) ENG - Storm Easement - Burleigh County Housing Addition.pdf
- (C) ENG - Storm Easement - Carols Addition.pdf
- (C) ENG - SI541.pdf
- (C) ENG - SI542.pdf
- (C) ENG - SI543.pdf
- (C) ENG - SI544.pdf

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

1. Award bid to HB Sound & Light for the arena hybrid fiber camera system.

Documents:

- (C) EC - Arena Camera System.pdf

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

1. Application for abatement for 2020, at 1252 Parkview Dr., Theresa Finck, Market Value Reduction.
2. Application for abatement for 2020, at 5132 Driftwood Ln., Kenneth & Lorraine Weber, Market Value Reduction.
3. Application for abatement for 2020, at 1542 Mutineer Pl., Patrick & Laura Hoffman, Market Value Reduction.
4. Application for abatement for 2020, at 623 Nelson Dr., Drake & Debra McClland, Disabled Veteran.

Documents:

- (C) FIN - Abatements.pdf

J. Consider the request for approval from the Human Resources Department for the following:

1. Allow the destruction of old Human Resource files in accordance with the N.D. State Retention Records.
2. Approve the revised Employee Status Policy.

Documents:

- (C) HR - Destruction of Records.pdf
- (C) HR - Employee Status Revision.pdf

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

1. Approve the fee for electronics recycling disposal at the Household Hazardous Waste and Electronics Recycling Center.
2. Approve the contracts with Houston Engineering and HDR for consulting services for solid waste utility projects.

Documents:

[\(C\) PW-SO - Electronic Recycling Disposal.pdf](#)
[\(C\) PW-SO - Houston Engineering.pdf](#)
[Electronic Recycling Bid Tab 2021.pdf](#)

4. REGULAR AGENDA

5. Consider the request from the Community Development Department for continuation of a request for Bryan Skager to appeal the November 4, 2020 decision of the Board of Adjustment to deny a variance from Section 14-04-19 (6)(b)(4)(c) of the City Code of Ordinances (FP-Floodplain District) to allow a recently constructed residential accessory building, located within the Special Flood Hazard Area (SFHA) or 100-year floodplain, below the elevation requirement, located on Lot 6, Block 11, Falconer Estates (6300 Apple Creek Drive).

Documents:

[\(R\) CD - Variance Appeal - Falconer Estates.pdf](#)

6. Public hearing on Ordinance 6447, regarding Payment Provisions.

Documents:

[\(R\) ATTY - Assess Utility Changes.pdf](#)

7. Receive an update from the Human Resources Department, regarding the City's Classification and Compensation Plan.

Documents:

[\(C\) HR - Condrey Associates Salary Plan Update.pdf](#)

8. Consider the request from the Community Development Department for a letter to oppose the federal Office of Management and Budget (OMB) proposal to change Metropolitan and Micropolitan Statistical Area standards.

Documents:

[\(R\) CD - MPO Letter.pdf](#)

9. Consider the request from the Engineering Department for Century Ave. Turn Lane Safety Improvement HEU-1-981 (121), HC 126.

Documents:

(R) ENG - HC 126 Award.pdf
HC126 - Bids.pdf

10. Review and discuss the 2021 Legislative Report #2.

Documents:

(R) ADMIN - Legislative Report 2.pdf
Legislative Report 2.pdf

11. Consider the request from the Attorney to enter into an Executive Session under the North Dakota Century Code Section 44-04-19.2.

Documents:

(R) ATTY - Executive Session.pdf

Other Business

Adjourn

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