



Board of City Commissioners

February 8, 2023

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, February 14, 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. 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.

Call to Order

FUTURE COMMISSION MEETINGS:

- February 28, 2023
- March 14, 2023 & March 28, 2023
- April 11, 2023 & April 25, 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:

[January 18,2023 - Special Meeting Minutes.pdf](#)
[January 24, 2022 - 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 Community Development Department for the following:

1. Introduction and call for a public hearing on Ordinance 6535, a request for a zoning change from the A – Agricultural zoning district to the RR –Residential zoning district and major subdivision final plat of TNK Ranch Subdivision requested by Thomas and Kim Fettig, where the Bismarck Planning and Zoning Commission recommends approval.
2. Introduction 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 18 LLLP, where the Bismarck Planning and Zoning Commission recommends approval.
3. Introduction 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, CA – Commercial, and P – Public zoning districts for Silver Ranch Fourth Addition, requested by Investcore, Inc. and Silver Ranch 19 LLLP, where the Bismarck Planning and Zoning Commission recommends approval.
4. Introduction and call for a 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), where the Bismarck Planning and Zoning Commission recommends approval.
5. Introduction and call for a 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, where the Bismarck Planning and Zoning Commission recommends approval.

6. Introduction and call for a 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, where the Bismarck Planning and Zoning Commission recommends approval.
7. Introduction and call for a 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, where the Bismarck Planning and Zoning Commission recommends approval.
8. Request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval of the Bis-Man Transit Authorizing Resolution.
9. Request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval to revise the project scope for Fiscal Year 2022 Section 5339 grant funding.
10. Request of the Bismarck-Mandan Metropolitan Planning Organization, for approval to submit an application for Fiscal Year 2024 Section 5310 Grant Funding.
11. Request of the Historic Preservation Commission to apply for a 2023 Historic Preservation Fund Grant.

Documents:

- C) CD - Ord 6535.pdf
- C) CD - Ord 6536.pdf
- C) CD - Ord 6538.pdf
- C) CD - Ord 6539.pdf
- C) CD - Ord 6540.pdf
- C) CD - Ord 6541.pdf
- C) CD - Authorizing Resolution.pdf
- C) CD - Revised FY2022 Section 5339 Grant Application.pdf
- C) CD - Revised SFY2024 Section 5310 Grant Application.pdf
- C) CD - 2023 HPF Grant Application.pdf

- E. Consider the request for approval from the Engineering Department for the following:

1. Consider approval of the award of Rectangular Rapid Flashing Beacon project HEU-1-981(130), PCN 23372, HC 149.
2. Consider approval of a North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for Hay Creek Trail Retaining Wall Repairs (IM-1-094(217)159, HC 163).
3. Request for a resolution approving plans and specifications and a request for a resolution directing the advertisement of bids and receiving bids for Street Improvement District SI 571.
4. Request for a resolution creating a district and ordering the preparation of the preliminary report and a request for a resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 572.
5. Request to receive bids and award contract for Streetlight and Traffic Signal Project SV - 65, Feedpoint Replacement Project.
6. Request to receive bids and award contract for Streetlight and Traffic Signal Project SV – 66, Conductor Replacement Project.
7. Request for encroachment and waiver agreement with CFT NV Development, LLC dba Panda Express for a railing, retaining wall, and wall appurtenances in the public right of way of Brookside Lane.
8. Consider approval and acceptance of offsite Utility and Temporary Access easements associated with the Paradise Valley Addition.
9. Consider approval of a street closure for BisMarket.
10. Consider approval of a street closure for Heroes Home Advantage

Documents:

- C) [ENG - HC 149.pdf](#)
- C) [ENG - HC 163.pdf](#)
- C) [ENG - SI 571.pdf](#)
- C) [ENG - SI 572.pdf](#)
- C) [ENG - SV 65.pdf](#)
- C) [ENG - SV 66.pdf](#)
- C) [ENG - Encroachment Agreement Panda Express.pdf](#)
- C) [ENG - Paradise Valley Offsite Easements.pdf](#)
- C) [ENG - Bismarket Street Closure.pdf](#)
- C) [ENG - Heroes Home Advantage Street Closure.pdf](#)

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

1. Permission to approve the contract for Construction Manager At Risk with Kraus-Anderson.

Documents:

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

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

1. Applications for Abatement.

Documents:

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

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

1. Permission to trade in outdated extrication equipment.

Documents:

[C\) FD - Extrication Equipment Replacement.pdf](#)

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

1. Permission to offer Bismarck residents free disposal for the 2023 Spring and Fall clean-up weeks by presenting their most recent City of Bismarck utility bill.
2. Permission to award the Boiler Replacement Project at the Veterans Memorial Library.
3. Approve Change Order 4 to contract with HA Thomson & Sons, Inc. for Fire Station 1 Boiler Upgrade for a time extension.
4. Permission for the Public Works Service Operations Director to negotiate with the NDDOT for the excavation and sale of borrow from the Bismarck Landfill for the construction of the Exit 161 project, which is currently planned to be bid in 2025.
5. Permission to retire and sell vehicles and equipment via online auction.

Documents:

- C) PW SO - 2023 Clean-up Weeks.pdf
- C) PW SO - Boiler Replacement Project Veterans Memorial Library 20230214.pdf
- C) PW SO - HA Thompson and Sons Time Extension.pdf
- C) PW SO - NDDOT Purchase of Borrow from Landfill.pdf
- C) PW SO - Sell Vehicles-Equipment at Online Auction.pdf

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

1. Approval of Task Order 23 between the City of Bismarck and Advanced Engineering and Environmental Services, LLC (AE2S) to update the stormwater master plan for the Ash-Ward Coulee.
2. Permission for signing authority be delegated to the Director of Utility Operations for change orders 3, 4, 5, and 7 submitted on the Public Works Expansion project.

Documents:

- C) PW UO - Ash-Ward Coulee Watershed Rates.pdf
- C) PW UO - Change Order Signing Authority.pdf

3. REGULAR AGENDA

4. Receive Update on Bismarck's Status in the AARP Network of Age-Friendly Communities.

Documents:

- R) CD - AARP Presentation.pdf

5. Receive SitelogIQ briefing on the Comprehensive Facility Plan for the building condition assessment services project.

Documents:

- R) PW SO - Sitelogiq Briefing.pdf

6. Public Hearing on Ordinance 6533, a request for the annexation of a portion of Clear Sky Addition, requested by FRM Investments, LLP.

Documents:

- R) CD - Ord 6533.pdf

7. Consider the request for approval for Boulder Ridge First Addition First Replat, requested by Wilment Development, LLC.

1. Public hearing on ordinance 6534, a request for annexation.
2. Major subdivision final plat of Boulder Ridge First Addition First

Replat.

Documents:

[R\) CD - Ord 6534.pdf](#)

8. Request to receive an update on the status of the FEMA Risk MAP Project for Burleigh County.

Documents:

[R\) CD - FEMA Risk Map Update.pdf](#)

9. 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 - Application for Abatement.pdf](#)

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

1. Request for a resolution creating District CC23 - Parts A-1, A-2, and B.
2. Request for a resolution approving Plans and Specifications.
3. Request for authorization to Advertise and Receive Bids for CC23 - Parts A-1, A-2, and B

Documents:

[R\) ENG - City Concrete Project.pdf](#)

11. Receive, consider, and award the Request for Proposals for Body Worn Cameras.

Documents:

[R\) PD - Body Camera RFP Acceptance Request.pdf](#)

12. Receive an update on the utility rates study.

Documents:

R) PW UO - Utility Rates Study Update.pdf

13. Consider receiving and discussing the City Attorney's opinion regarding conflict of interests.

Documents:

R) ATTY - Conflict of Interest Attorney Opinion.pdf

14. Consider the request to review and approve the issuance of request for proposals for economic development support consulting services.

Documents:

R) ADMIN - Economic Development RFP.pdf

15. Consider review and discussion of the 2023 Legislative Report #2.

Documents:

R) ADMIN - 2023 Legislative Report No. 2.pdf

16. Other Business

Adjourn

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