



March 23, 2021

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, March 23, 2021 at 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

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

Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging 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 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 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 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 this 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:

April 13 & 27, 2021
May 11 & 25, 2021
June 8 & 22, 2021

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. Proclamation recognizing April 2021 as Fair Housing Month.

Documents:

[Fair Housing Month Proclamation.pdf](#)

2. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items).
3. Consider the approval of the minutes.

Documents:

[MN030921.pdf](#)

4. 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. Approve a letter of support for SHG, LLC, dba, Culver's restaurant.
 2. Approve a new gaming site authorization for the Mandan Baseball Club, Inc. at Jimmy V's, 512 E. Main Ave.
 3. Introduction of and call for a public hearing for a new Class F1 Restaurant Full Alcohol Liquor License for Shelter Belt LLC, (dba) Shelter Belt, 307 N. 3rd St.

Documents:

[\(C\) ADMIN - Letter of Support.pdf](#)
[\(C\) ADMIN - Gaming Site Authorization.pdf](#)
[\(C\) ADMIN - New Liquor License.pdf](#)

- D. Consider the request for approval from the Airport for the following:
 1. Approve the sale of surplus/obsolete items at the Police Auction.
 2. Grant permission to sell/dispose of a 1994 Kodiak Northwest blower at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05.

Documents:

[\(C\) AIR - Items for Police Auction.pdf](#)
[\(C\) AIR - Kodiak NW Blower.pdf](#)

- E. Consider the request for approval from the Attorney for the following:
 1. Ratify the January 5, 2021 State of Emergency Declaration, related

to COVID-19, by the President of the City Commission and extend its effect date to April 20, 2021.

Documents:

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

F. Consider the request from the Bismarck-Burleigh Public Health Department for the following:

1. Appoint David J. Pengilly, MD as City Health Officer.
2. Grant permission to apply for the AARP's Community Challenge Grant.

Documents:

[\(C\) BBPH - Health Officer.pdf](#)

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

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

1. Approve the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, to purchase one Flex Cutaway Bus.
2. Approve the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, to submit the FY2023 Urban Grant program application.
3. Appoint Jake Axtman to the Bismarck Parking Authority.
4. Reappoint Walt Bailey and Tory Jackson to the Bismarck Historic Preservation Commission.

Documents:

[\(C\) CD - MPO Cutaway Bus.pdf](#)

[\(C\) CD - MPO FY2023 Urban Grant Program.pdf](#)

[\(C\) CD - Parking Authority Appointment.pdf](#)

[\(C\) CD - HPC Reappointments.pdf](#)

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

1. Accept the North Dakota Department of Transportation Urban Grant Program funding for the 2023 Downtown Street Improvement Project.
2. Approve an encroachment agreement at 414 W. Sweet Ave. for the Bismarck Larks to hang banners from City owned light poles.
3. Approve a street closure for the annual Urban Harvest event.
4. Approve an amendment to the contract with KLJ for professional services for 43rd Ave. Reconstruction, HC 131.
5. Award bid for pavement marking for HC 125.
6. Award bid for the HC 137 maintenance project for the Bismarck Expressway Bridge.
7. Award bid and approve the project budget for Water Utility Project WU 134, contingent on the Burleigh County Commission award.

8. Park Improvement District No. 005 - Request for resolution declaring petition for improvements has been received. Request for resolution creating districts and ordering preparation of preliminary engineering reports. Request for resolution approving preliminary reports and directing the preparation of plans and specifications.
9. Park Improvement District No. 006 - Request for resolution declaring petition for improvements has been received. Request for resolution creating district and ordering preparation of preliminary engineering reports. Request for resolution approving preliminary reports and directing the preparation of plans and specifications.
10. Sewer Improvement District SE 578 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SE 578 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.
11. Street Improvement District SI 547 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 547 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.
12. Street Improvement District SI 550 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 550 and ordering preparation of preliminary report. Request for resolution of necessity. Request for resolution approving preliminary report and directing preparation of plans and specifications.

Documents:

- (C) ENG - ND Urban Grant Program.pdf
- (C) ENG - Larks Baseball.pdf
- (C) ENG - Urban Harvest Closure.pdf
- (C) ENG - HC 131.pdf
- (C) ENG - HC 125.pdf
- (C) ENG - HC 137.pdf
- (C) ENG - WU 134.pdf
- (C) ENG - PI005.pdf
- (C) ENG - PI006.pdf
- (C) ENG - SE 578.pdf
- (C) ENG - SI 547.pdf
- (C) ENG - SI 550.pdf

- I. Consider the request for approval from the Finance Department for the following:
 1. Application for abatement for 2020, Disabled Veteran, at 420 S. 17th St. for Joseph & Carol Kuntz.
 2. Application for abatement for 2020, Disabled Veteran, at 1204 W. Ave. A for Jessica Lawler.
 3. Application for abatement for 2020, Tax Exempt Property, at 4007 Greensboro Dr. for Capital Christian Center.
 4. Approve American Bank Center as a public depository for City funds.
 5. Approve 2020 budget transfers, appropriations, amendments and rollovers into the 2021 budget.
 6. Approve 2021 amendments for COVID-19 and grant-related expenditures.

7. Approve the 2022 tentative budget calendar.

Documents:

- (C) FIN - Abatements.pdf
- (C) FIN - Designated Depository.pdf
- (C) FIN - 2020 Budget Amendment.pdf
- (C) FIN - 2021 Budget Amendment.pdf
- (C) FIN - 2022 Tentative Budget Calendar.pdf

- J. Consider the request for approval from the Police Department for the following:

1. Grant permission for the department to accept a donation of up to 42 Stryker Automated External Defibrillators (AED) machines.

Documents:

- (C) PD - AED Machines.pdf

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

1. Approve free disposal for Bismarck residents during Spring Clean-Up Week at the Bismarck Municipal Landfill.
2. Approve Task Order 21-01 to the agreement with Houston Engineering for Solid Waste Operations engineering services.
3. Approve Task Order 21-02 to the agreement with Houston Engineering for Solid Waste Operations engineering services.
4. Approve Task Order 21-03 to the agreement with Houston Engineering for Solid Waste Operations engineering services.
5. Award bid for collection and disposal of household hazardous waste at the Bismarck Municipal Landfill.
6. Award bid for 2021 furnishing paving materials.
7. Award bid for traffic signal video detection systems for the Electrical Division.
8. Grant permission to enter into a contract with Beaver Creek Tree Service for stump grinding.
9. Grant permission to purchase an SUV for the Water Treatment Plant.
10. Grant permission to purchase a utility tractor and loader for the Roads & Streets Operations.
11. Grant permission to purchase a UTV side by side for the Storm Water Operations.
12. Grant permission to sell/dispose of a frontload refuse truck for Solid Waste Collections at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05.

Documents:

- (C) PW-SO - Spring Clean-Up Week.pdf
- (C) PW-SO - Task Order 21-01.pdf
- (C) PW-SO - Task Order 21-02.pdf
- (C) PW-SO - Task Order 21-03.pdf
- (C) PW-SO - Household Hazardous Waste Bid.pdf

- (C) PW-SO - Furnishing Paving Materials Bid.pdf
- (C) PW-SO - Video Detection System Bid.pdf
- (C) PW-SO - Contract Renewal for Forestry Operations.pdf
- (C) PW-SO - SUV Purchase.pdf
- (C) PW-SO - Utility Tractor Purchase.pdf
- (C) PW-SO - UTV Purchase.pdf
- (C) PW-SO - Solid Waste Collections.pdf

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

1. Grant permission to pursue grant funding from the Hazard Mitigation Grant Program for the Pioneer Lift Station Generator.

Documents:

(C) PW-UO - Hazard Mitigation Grant Program.pdf

5. REGULAR AGENDA

6. Consider the request from the Engineering Department for a Memorandum of Understanding (MOU) with Bird Rides, Inc. to operate stand-up electric scooter sharing with the City of Bismarck.

Documents:

(R) ENG - Bird Scooters MOU.pdf

7. Public hearing on Ordinance 6446, regarding Domestic Distillery and Off-Sale provision.

Documents:

(R) ATTY - Domestic Distillery.pdf

8. Public hearing on Ordinance 6451, a request for the annexation of Lot 40, Block 2, and Lot 1, Block 14, Silver Ranch First Addition and Lot 25, Block 1, Silver Ranch Second Addition, requested by Bismarck Parks and Recreation District.

Documents:

(R) CD - Ordinance 6451.pdf

9. Public hearing on Ordinance 6452, a request for the annexation of Lots 4-11, Block 12, Lots 8-13, Block 13, and Lots 9-12, Block 14, Silver Ranch Third Addition, requested by Chad Wachter, LLC.

Documents:

(R) CD - Ordinance 6452.pdf

10. Consider the requests from the Community Development Department, regarding Memory Third Addition, requested by TPR Partnership, LLP.

1. Public hearing on Ordinance 6453, a request for a zoning change from the RR-Residential zoning district to the CG-Commercial zoning district for Memory Third Addition.
2. Final plat of Memory Third Addition.

Documents:

[\(R\) CD - Ordinance 6453 - Memory Third Addition.pdf](#)

11. Public hearing on Ordinance 6454, a request for a zoning change from the PUD-Planned Unit Development zoning district to the Conditional MA-Industrial zoning district for Lots 2 and 3, Block 1, Hay Creek Industrial Subdivision Replat, requested by KNA Holdings, LLP.

Documents:

[\(R\) CD - Ordinance 6454.pdf](#)

12. Public hearing on Ordinance 6455, a request for a zoning change from the Conditional R10-Residential zoning district to the R10-Residential zoning district on Lots 1-24, Block 6, Cottonwood Parkview Addition, requested by Wachter Family Revocable Trust.

Documents:

[\(R\) CD - Ordinance 6455.pdf](#)

13. Public hearing on Ordinance 6456, a staff-initiated zoning ordinance text amendment relating to domestic distilleries and microbrew pubs.

Documents:

[\(R\) CD - Ordinance 6456.pdf](#)

14. Consider the request from the Engineering Department for Street Improvement District No. 542 - Request to hear insufficiency of protests.

Documents:

[\(R\) ENG - SI542.pdf](#)

15. Consider the request from the Engineering Department for Street Improvement District No. 544 - Request for resolution receiving bids and ordering preparation of the Engineer's Statement for SI 544.

Documents:

[\(R\) ENG - SI544.pdf](#)

16. Consider the request from the Engineering Department to provide direction on future interchange preservation at the intersection of US 83 and ND 1804/ 71st Ave. NE.

Documents:

(R) ENG - US 83 and 71st Ave.pdf

17. Receive a 2020 year-end financial update from Finance Director Dmitriy Chernyak.

Documents:

(R) FIN - 2020 Financial Update.pdf

- ~~18. Consider the request from the Attorney to approve the Water Service Contract with 161 Commercial, LLC (dba) Centennial Park.~~

~~Documents:~~

~~(R) ATTY - Water Service Contract.pdf~~

19. Review and discuss the 2021 Legislative Report #4.

Documents:

(R) ADMIN - Legislative Report.pdf

20. Consider the request from the Attorney to enter into an Executive Session under the North Dakota Century Code Section 44-04-19.1(9).

Documents:

(R) ATTY - Executive Session.pdf

Other Business

Adjourn

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