



June 8, 2022

Board of City Commissioners  
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, June 14, 2022, at 5:15 p.m. 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 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 email address and contact information to the above email at least one business day before the meeting.

Live meeting coverage is always available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM Radio, or streaming on multiple platforms, including [FreeTV.org](https://www.free-tv.com) 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:

- June 28, 2022
- July 12, 2022 & July 26, 2022
- August 9, 2022 & August 23, 2022

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. Presentation of the 2021 Humanitarian Award
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:

[May 24, 2022 - 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. Approve gaming site application for the following:

- Aggie Foundation
  - Bruno's Pizza – 910 East Front Avenue
- Bismarck Gymnastics Academy
  - Bismarck Municipal Ballpark – 303 West Front Avenue
- Dakota Pheasants Forever
  - Bismarck Hotel & Conference Center – 800 South 3rd Street
  - Bismarck Municipal Ballpark – 303 West Front Avenue
- Lloyd Spetz American Legion Post 1
  - On the Run#80150 – 2205 Tyler Parkway
- St. Alexius Medical Center
  - Bismarck Event Center – 315 South 5th Street
  - CHI St. Alexius Health Bismarck – 900 East Broadway Avenue
  - Scheels – 800 Kirkwood Mall

- Veterans of Foreign Wars Gilbert N. Nelson Post #1326
    - Pitorro Restaurant & Bar – 1235 South 12th Street
2. Consider the approval of the following liquor license renewals:
- 40 Steak & Seafood – 1401 Interchange Avenue
  - Bismarck HuHot Mongolian Grill – 409 South 3rd Street
  - Bistro 1100, Inc. – 1103 East Front Avenue
  - Blarney Stone Pub – 408 East Main Avenue
  - China Star – 1065 East Interstate Avenue
  - Costco Wholesale #1380 – 1325 NE 57th Avenue
  - Eat Thai Café LLC – 409 Riverwood Drive
  - Elbow Room – 115 South 5th Street
  - Ground Round – 526 South 3rd Street
  - Jack's Steakhouse & Seafood – 1201 South 12th Street
  - Jimmy V's – 512 East Main Avenue
  - Longhorn Steakhouse #5557 – 1071 East Interstate Avenue
  - Obrian's Tavern – 1059 East Interstate Avenue
  - ~~Pancho's Mexican Grill – 711 South 3rd Street~~
  - Peacock Alley – 422 East Main Avenue
  - Rock 'N 50s Café – 2700 State Street
  - Sam's Club – 2821 Rock Island Place
  - Tap In Tavern – 601 Memorial Highway
  - Texas Roadhouse – 1505 Burnt Boat Drive
  - The Olive Garden Italian Restaurant #1787 – 3400 North 14th Street
  - The Walrus – 1136 North 3rd Street
  - Tri-Energy CENEX – Centennial – 2520 Centennial Road
  - Walmart #1534 – 2717 Rock Island Place
  - Walmart #3648 – 1400 Skyline Boulevard
  - Williquors – 3025 Yorktown Drive

3. USNS City of Bismarck Model & Bread of Life Church Stained

Glass Window Restoration Project at Camp Hancock.

**4. Introduction of and call for a public hearing on a request for a new Class I3 Restaurant Beer Only Liquor License for Mars Restaurant Group, LLC (dba) Pancheros Mexican Grill.**

Documents:

- [C\) ADMIN - Gaming Site Authorization Renewals 6.14.2022.pdf](#)
- [C\) ADMIN - Liquor License Renewals.pdf](#)
- [C\) ADMIN - Funding Request for USNS Project.pdf](#)
- [C\) ADMIN - New Liquor License Pancheros Mexican Grill - 711 S 3rd St.pdf](#)

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

1. Receive and consider bids for Airfield Markings Painting and Removal.
2. Amendment 2 to the January 8, 2019, Agreement with Kadrmass, Lee, & Jackson (KLJ) for Taxiway C North Project.
3. Receive and consider bids for Runway 3 Safety Area Grading.

Documents:

- [C\) AIR - Airfield Markings Painting and Removal.pdf](#)
- [C\) AIR - KLJ Amendment.pdf](#)
- [C\) AIR - Runway 3 Safety Area Grading.pdf](#)

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

1. Permission to utilize ND State Contract for the purchase of office equipment.

Documents:

- [C\) BBPH - Fireside State Contract.pdf](#)

G. Consider the request for approval from the Bismarck Veterans Memorial Public Library for the following:

1. Appointment of Justin Hughes to the Library Board of Trustees.

Documents:

- [C\) LIB - Library Board Trustee Appointment.pdf](#)

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

1. Approve retainer agreement with Moss & Barnett.
2. Approve settlement agreement regarding federal litigation.

Documents:

- [C\) ATTY - Approve Retainer Agreement with Moss and Barnett.pdf](#)
- [C\) ATTY - Settlement Agreement Federal Litigation.pdf](#)

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

1. Introduction of and call for a public hearing on Ordinance 6506, a zoning change from the A-Agriculture zoning district to the R5-Residential zoning district on Tract 24A and part of Tract 24B, Section 24, T139N-R81W/West Hay Creek Township.
2. Request of Dan Potter to release the 10-foot utility easement within Lot 6, Block 1, Potter Pointe Subdivision, from the plat of Potter Pointe Subdivision.
3. Request of CFT NV Developments, LLC to eliminate the potential opening in the continuous non-access line along Brookside Lane located on the north side of Lot 1, Block 1, Memory Third Addition.
4. Request of Jeanette and Paul McClennen to release the 10-foot utility easement adjacent to and parallel with the northeasterly boundary of Lot 1, Block 1, Heritage Ridge Addition, less the southeasterly 10-feet adjacent to Crested Butte Road right-of-way.
5. Material changes to the approved minor subdivision final plat of Shamrock Industrial Park First Replat.
6. Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, requests approval to apply for an FY22 5307 grant.
7. ~~Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, requests approval to decommission and dispose of miscellaneous equipment.~~
8. Consider approval of a substantial amendment to the 2021 Annual Action Plan for CDBG.

Documents:

- C) CD - Ord 6506.pdf
- C) CD - Potter Pointe Subdivision.pdf
- C) CD - Memory Third Addition.pdf
- C) CD - Heritage Ridge Addition.pdf
- C) CD - Shamrock Industrial Park.pdf
- C) CD - Bis-Man Transit Grant Application.pdf
- C) CD - Decommission of Transit Equipment.pdf
- C) CD - 2021 Annual Action Plan for CDBG.pdf

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

1. Acceptance of easements for City project HC-150, Bismarck Expressway Sidewalk.
2. Operations and Maintenance Plan for SE 563 Ponds.

Documents:

- C) ENG - HC150.pdf
- C) ENG - SE563.pdf

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

1. Application for Abatement for the following where the Assessing Division recommends approval:
  - 1831 Santa Gertrudis Drive (0924-003-015) - Michael & Jo Kralicek - Deferred Maintenance
  - 1727 Valley Drive (0936-001-020) - Nick W Lees - Wheelchair 2020-2021
2. Resolution Authorizing the Issuance and Sale of \$1,500,000 Water Treatment Revenue Bond, Series 2022.

Documents:

- C) FIN - Abatements.pdf
- C) FIN - Sale of Water Treatment Revenue Bond Series 2022.pdf

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

1. Incentive Compensatory Time for Recruiting.

Documents:

- C) HR - Incentive Compensatory Time for Recruiting.pdf

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

1. Change Order 4 to contract with Industrial Enterprises, Inc. for the Library Siding Project.
2. Request to dispose of/sell Public Works inventory at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05
3. Permission to purchase roll-off containers for Solid Waste operations.

Documents:

- [C\) PW-SO - Change Order 4 with Industrial Enterprises for Library Siding Project.pdf](#)
- [C\) PW-SO - Sale of Fleet Equipment.pdf](#)
- [C\) PW-SO - Roll Off Containers Purchase for Solid Waste Operations.pdf](#)

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

1. Engineering Service Agreement with HDR Engineering, Inc. for the Wastewater Treatment Plant Flow Equalization (FEQ) and Reliability Improvements Project.
2. Approval of Limited Authorization to Proceed with Kraus-Anderson and approval of the Guaranteed Maximum Price for the Public Health Facility.

Documents:

- [C\) PW-UO - Engineering Services Agreement with HDR Engineering.pdf](#)
- [C\) PW-UO - Limited Authorization to Proceed with Kraus-Anderson.pdf](#)

4. REGULAR AGENDA

5. Public hearing on Ordinance 6501 to enact a new Bismarck ordinance for hate crimes.

Documents:

- [\(R\) ATTY - Public Hearing - Ord 6501 - Hate Crime Ordinances.pdf](#)

6. **Consider the request to receive an update regarding the elimination of green field/new development special assessments.**

Documents:

R) ADMIN - Greenfield Special Assessments.pdf

7. Consider the request to pursue NDDOT Transportation Alternatives Program Funding.

Documents:

R) ENG - NDDOT Transportation Alternatives Funding Solicitation.pdf

8. Consider the request for resolution receiving bids and ordering preparation of the Engineer's Statement and resolution awarding contract for Street Improvement District SI 565 and Sewer Improvement District SE 581.

Documents:

R) ENG - SI565 and SE581.pdf

Other Business

Adjourn

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