



April 13, 2021

Board of City Commissioners  
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, April 13, 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](mailto: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](http://FreeTV.org) and [RadioAccess.org](http://RadioAccess.org). Agenda items can be found online at [www.bismarcknd.gov/agendacenter](http://www.bismarcknd.gov/agendacenter).

#### Future Commission Meetings:

April 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 WITH THE BOARD OF EQUALIZATION

1. Call to order
2. Annual Report
3. Public hearing on the City's Annual Assessment.
4. Adjourn

Documents:

[Board of Equalization - Annual Report.pdf](#)  
[Final list of appeals for City BOE.pdf](#)

#### 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:

[MN032321.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. Approve a new gaming site authorization for the Cystic Fibrosis Association, at Shelter Belt, 307 N. 3rd St.
  2. Approve a new gaming site authorization for RMEF Mindak, Inc., at Lady J's Catering & Decor Inc., 930 N. Griffin St.
  3. Approve a new gaming site authorization for Bismarck Cancer Center Foundation, at Sixteen 03 Main Events, 1603 E. Main Ave.
  4. Introduction of and call for a public hearing on a new Class U Domestic Distillery Liquor License for Big Dog Beverages, LLC. (dba) Big Dog Beverages, 307 S. 3rd St.
  5. Introduction of and call for a public hearing on a new Class U Domestic Distillery Liquor License for Bismarck Distillery, LLC (dba) Bismarck Distillery, 1100 Canada Ave.
  6. Provide a letter of support/certification to GLS Properties, LLC/MetroPlains for a transfer of use agreement from Holiday Village Apartments in Devils Lake to Breton Heights Apartments in Bismarck.

Documents:

[\(C\) ADMIN - Gaming Site Authorization - Cystic Fibrosis Association of ND.pdf](#)

- (C) ADMIN - Gaming Site Authorization - RMEF Mindak Inc.pdf
- (C) ADMIN - Gaming Site Authorization - Sixteen03 Main Events.pdf
- (C) ADMIN - New Liquor License - Big Dog Beverages.pdf
- (C) ADMIN - New Liquor License - Bismarck Distillery.pdf
- (C) ADMIN - Transfer Use Agreement.pdf

**D. Consider the request for approval from the Attorney for the following:**

- 1. Approve the grant application and agreement with Azimuth World Foundation for the Blue Zone Project. - This item has been pulled from the agenda at this time.**
- 2. Introduction of and call for a public hearing on Ordinance 6459, regarding motorized scooters.**
- 3. Ratify the January 5, 2021 State of Emergency Declaration, relating to COVID-19 by the President of the City Commission and extend its effect to May 5, 2021.**

**Documents:**

- (C) ATTY - Blue Zone Project.pdf
- (C) ATTY - Scooter Ordinance.pdf
- (C) ATTY - Emergency Declaration.pdf

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

1. Approve Bis-Man Transit to apply for the Otto Bremer Grant.
2. Approve Bis-Man Transit to purchase a new engine for the Fixed Route Bus #1501.
3. Approve the request of Alexander Kunz to release the 14-foot utility easement within Lot 7, Block 5, Grande Prairie Estates Third Subdivision. Staff recommends approval.
4. Approve the updated Designation of Signature Authority, the accompanying Resolution and the assigning of Kim Riepl as a User Manager in TrAMS.
5. Introduction of and call for a public hearing on Ordinance 6457, a request for the annexation of part of Clear Sky Addition, requested by FRF Investments, LLP. the Bismarck Planning and Zoning Commission recommends approval.
6. Introduction of and call for a public hearing on Ordinance 6458, a request for the annexation of First Responders Second Addition.

**Documents:**

- (C) CD - Bremer Grant.pdf
- (C) CD - Bus Engine Purchase.pdf
- (C) CD - Grande Prairie Estates Third Subdivision.pdf
- (C) CD - TrAMS.pdf
- (C) CD - Ordinance 6457 - Clear Sky Addition.pdf
- (C) CD - Ordinance 6458 - First Responders Second Addition.pdf

**F. Consider the request for approval from the Engineering Department for the**

following:

1. Award bid for Highway Construction Project HC 139 to Northern Improvement Company.
2. Award bid for Highway Construction Project HC 140 to Zimmerman Contracting, Inc.
3. Award bid for Water Utility Project WU 136 to Basaraba Excavating & Dirt Works, LLC.
4. Construction of sidewalk, curb and gutter and driveways for 2021 - Request for resolution receiving bids. Request for resolution awarding contracts for Parts A-1, A-2, B-1 and B-2.
5. Park Improvement District No. 004 - Request for resolution, receiving bids and ordering preparation of the Engineer's Statement. Request for resolution awarding contract.
6. Park Improvement District No. 005 - Request for resolution, approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
7. Park Improvement District No. 006 - Request for resolution, approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
8. Sewer Improvement District SE 579 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SE 579 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.
9. Street Improvement District No. 541 Part A - Request for resolution receiving bids and ordering preparation of the Engineer's Statement. Request for resolution awarding contract.
10. Street Improvement District No. 541 Part B - Request for resolution receiving bids and ordering preparation of the Engineer's Statement. Request for resolution awarding contract.
11. Street Improvement District No. 542 - Request for resolution receiving bids and ordering preparation of the Engineer's Statement. Request for resolution awarding contract.
12. Street Improvement District No. 543 - Request to hear insufficiency of protests on resolution of necessity.
13. Street Improvement District No. 545 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 545 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.
14. Street Improvement District No. 546 - Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
15. Street Improvement District No. 547 - Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
16. Street Improvement District No. 548 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 548 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.
17. Street Improvement District No. 549 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 549 and ordering preparation of the

- preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.
18. Street Improvement District No. 551 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 551 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.

Documents:

(C) ENG - HC 139.pdf  
(C) ENG - HC 140.pdf  
(C) ENG - WU 136.pdf  
(C) ENG - CC2021.pdf  
(C) ENG - PI004.pdf  
(C) ENG - PI005.pdf  
(C) ENG - PI006.pdf  
(C) ENG - SE 579.pdf  
(C) ENG - SI 541A.pdf  
(C) ENG - SI 541B.pdf  
(C) ENG - SI 542.pdf  
(C) ENG - SI 543.pdf  
(C) ENG - SI 545.pdf  
(C) ENG - SI 546.pdf  
(C) ENG - SI 547.pdf  
(C) ENG - SI 548.pdf  
(C) ENG - SI 549.pdf  
(C) ENG - SI 551.pdf

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

1. Application for abatement at 1702 Wichita Dr. for James & Marilyn Geiger, Disabled Veteran.
2. Application for abatement at 3494 Montreal St. for Maria Weber, Disabled Veteran.

Documents:

(C) FIN - Abatements.pdf

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

1. Accept a donation from the Bismarck Larks/Dakota Community Bank from proceeds obtained during the 4th of July Jersey sale at the Bismarck Larks game.

Documents:

(C) PD - Donation Acceptance.pdf

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

1. Approve Burleigh County Highway Department's request to donate clay material from the Landfill to assist with County road improvements.
2. Approve residential solid waste collection to be provided by a commercial waste hauler at The Grove, located at 506 N. 2nd St. and 202 E. Ave. A.
3. Award bid to Aramark for Public Works uniform rental services.
4. Grant permission to purchase a trailer-mounted wood chipper for Forestry operations.
5. Grant permission to sell a surplus of inventory at the annual City Auction.

Documents:

- (C) PW-SO - Burleigh County Highway Department Clay.pdf
- (C) PW-SO - Commercial Waste Hauler.pdf
- (C) PW-SO - Uniform Rental Services.pdf
- (C) PW-SO - Wood Chipper.pdf
- (C) PW-SO - City Auction Inventory.pdf

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

1. Approve the three-year contracts with AE2S, Apex Engineering Group, Inc., Bartlett & West, HDR Engineering, Inc., and Houston Engineering, Inc., for operation and maintenance activities.

Documents:

- (C) PW-UO - Operations and Maintenance Activities Contracts.pdf

4. REGULAR AGENDA

5. Consider the request from the Finance Department to deny an application for abatement at 1052 N. 29th St. for John Hruby, for a refund for the penalty on property taxes.

Documents:

- (R) FIN - Abatement - Tax Refund.pdf

6. Consider the request from the Community Development Department for the minor subdivision final plat of Missouri Meadows Subdivision, requested by Bradley King.

Documents:

- (R) CD - Missouri Meadows Subdivision.pdf

7. Consider the request from the Community Development Department for the

minor subdivision final plat of The Ridge at Hawktree Second Replat, requested by JE Homes, LLC, 1806 Development Group, LLC and Burnt Creek Group, LLC.

Documents:

[\(R\) CD - Ridge at Hawktree Second Replat.pdf](#)

8. Receive a presentation on the Community Development Activities Tool.

Documents:

[\(R\) CD - Activities Tool Presentation.pdf](#)

9. Consider the request from the Engineering Department to award bids for the Intersection Improvement Safety Project - HC 127.

Documents:

[\(R\) ENG - HC 127.pdf](#)

10. Consider the request from the Engineering Department to receive bids and award contract for the Streetlights and Traffic Signal Project SV 60.

Documents:

[\(R\) ENG - SV 60.pdf](#)

11. Review and discuss the 2021 Legislative Report #5.

Documents:

[\(R\) ADMIN - Legislative Report.pdf](#)

12. Receive the financing plan for the new Police Department and Public Health facilities.

Documents:

[\(R\) ATTY - Financing Plan.pdf](#)

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

Documents:

[\(R\) ENG - Executive Session.pdf](#)

14. Consider the request from the Attorney to enter into an Executive Session under NDCC Section 44-04-19.1(9).

Documents:

[\(R\) ATTY - Executive Session.pdf](#)

Other Business

Adjourn

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