



June 22,2021

Board of City Commissioners  
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, June 22, 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.

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.

As always, live meeting coverage is available 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/bismarcknd). Agenda items can be found online at [www.bismarcknd.gov/agendacenter](http://www.bismarcknd.gov/agendacenter).

#### FUTURE COMMISSION MEETINGS:

- July 13, 2021 & July 27, 2021
- August 10, 2021 & August 24, 2021
- September 14, 2021 & September 28, 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. Recognition of Bismarck Burleigh Public Health Department being honored with with the 2021 Bronze Innovative Practice Award by the National Association of County and City Health Officials.
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:

[MN06112021.pdf](#)

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

Documents:

[HR - Personnel Report.pdf](#)

- D. Consider the request for approval from the Administration Department for the following:

1. Approve renewal of liquor licenses from August 1, 2021, to July 31, 2022.
  - Applebee's Neighborhood Grill & Bar - 434 South 3rd Street
  - Applebee's Neighborhood Grill & Bar – 3200 North 14th Street
  - Broadway Grill and Tavern - 100 West Broadway Avenue, Ste 100
  - China Star – 1065 East Interstate Avenue
  - Comfort Lounge – 1030 East Interstate Avenue
  - Costco Wholesale #1380 – 1325 57th Avenue NE
  - Golf Etc. Bismarck – 511 Airport Road
  - Holiday Inn Bismarck – 3903 State Street
  - India Clay Oven Bar/Grill – 510 East Main Avenue
  - Kobe's Japanese Cuisine – 915 West Interstate Avenue
  - Pilot Travel Centers Store #1224 – 3936 Miriam Avenue
  - Pirogue Grille – 121 North 4th Street
  - Plaza Beer Depot – 204 East Boulevard Avenue

- Pub 21 – 1014 South 12th Street
  - Sidelines Sports Bar – 300 South 5th Street
  - Superpumper #80139 – 2901 North 19th Street
  - Superpumper #80140 – 1122 Tacoma Avenue
  - Superpumper #81049 – 1905 North Washington Street
  - Superpumper #80150 – 2205 Tyler Parkway
2. Approve gaming site authorization renewal for CHI St. Alexius Health Bismarck at:
    - Bismarck Event Center – 315 South 5th Street
    - CHI St. Alexius Health Bismarck – 900 East Broadway Avenue
  3. Approve gaming site authorization renewal for Horse Race North Dakota at:
    - Golf Etc. – 511 Airport Road
  4. Approve gaming site authorization renewal for Gilbert N Nelson Post 1326 at:
    - Bismarck Municipal Ball Park – 303 West Front Avenue
  5. Approve gaming site authorization renewal for Bismarck Moose Lodge #302 at:
    - Bismarck Moose Lodge – 312 North 20th Street
  6. **Approve gaming site authorization renewal for Aggie Foundation at:**
    - **Brunos Pizza - 910 East Front Avenue**
  7. Approve City of Bismarck Human Relations Committee to engage with City staff to improve and/or complete the Municipal Equality Index Scorecard.
  8. Provide a resolution of support for Dakota West Arts Council to help facilitate the application to the National Endowment for the Arts.
  9. Introduction of and call for a public hearing on a request for a new Class F1 Restaurant Full Alcohol liquor license for Pitorro Restaurant & Bar LLC (dba) Pitorro Restaurant & Bar, located at 1235 South 12th Street.

Documents:

- (C) ADMIN - Liquor License Renewals.pdf
- (C) ADMIN - Gaming Site Renewal - CHI St. Alexius Health.pdf
- (C) ADMIN - Gaming Site Renewal - Horse Race ND.pdf
- (C) ADMIN - Gaming Site Renewal- Gilbert N Nelson Post 1326.pdf
- (C) ADMIN - Gaming Site Renewal - Bismarck Moose Lodge.pdf
- (C) ADMIN - Gaming Site Renewal - Aggie Foundation.pdf
- (C) ADMIN - HRC Municipal Equality Index.pdf

- (C) ADMIN - DWAC.pdf
- (C) ADMIN - New Liquor License - Pitorro Restaurant and Bar.pdf

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

1. Approve acceptance of the Guthmiller and Son Dirtworks bid to purchase the Kodiak Northwest Blower.
2. Award bid to Cedric Theel for two ½ ton double cab pickups subject to FAA approval to Buy American waiver.
3. Approve the purchase of a John Deere 6155R tractor from Sourcewell Cooperative. Purchasing delivered through RDO Equipment Company Bismarck and allow staff to enter into contracts for the purchase.
4. Award bid to RDO Equipment Company for the loader, vee plow, self controlled snow blower and cupping plow subject to FAA approval of Buy American Waivers.
5. Consider Change Order to the September 11, 2020 agreement with KLE for Wetland Phase 5/6.

Documents:

- (C) AIR - Sale of Kodiak NW Blower.pdf
- (C) AIR - Bid Award for Pickups.pdf
- (C) AIR - Purchase 6155R Tractor.pdf
- (C) AIR - Bid for Loader.pdf
- (C) AIR - Wetland Phase 5 6.pdf

F. Consider the request for approval from the Attorney for the following:

1. Introduction and call for a public hearing on Ordinance 6465 to amend Ordinance 6-08-06, regarding BB and Pellet Guns.

Documents:

- (C) ATTY - Ordinance 6465 Airsoft.pdf

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

1. Reappointment of Jennifer Clark and Ken Hoff to the City of Bismarck Board of Adjustment and determination of alternate Board of Adjustment member.
2. Approval of Corrective Ordinance 6457 regarding the annexation of parts of Clear Sky Addition.
3. Material changes to the approved final plat of Wachter's Addition Second Replat

Documents:

- (C) CD - BOA Reappointments and Alternate.pdf
- (C) CD - Corrective Ordinance 6457.pdf

(C) CD - Wachters Addition Second Replat Revisions.pdf

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

1. Approval of North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement for Bismarck Expressway lighting and turn lanes improvement project SHE-1-810(030)004, PCN 23155 (City Project HC 141).
2. Street Improvement District SI 554
  - Request for Resolution Declaring Petitions for Improvements have been received.
  - Request for Resolution Creating District SI 554 and Ordering Preparation of Preliminary Report.
  - Request for Resolution Approving the Preliminary Reports and Directing the Preparation of Plans and Specifications.
  - Request for Resolution Approving Plans and Specifications.
  - Request for Resolution Directing the Advertisement of Bids and Receive Bids.
3. Approval of change order No. 10 for Water Utility project No. 130.

Documents:

- (C) ENG - NDDOT PE agreement - HC141.pdf
- (C) ENG - SI 554 - create dist auth to adv.pdf
- (C) ENG -WU130 - change order 10.pdf

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

1. Approval to purchase the equipment and services needed to implement an offsite Disaster Recovery and Business Continuity solution from HighPoint Networks.
2. Application for Abatement for 2020, Comparable Market Value at 3002 Arizona Dr.
3. **Approval of the contract with the Office of the State Tax Commissioner.**

Documents:

- (C) FIN - DRBC.pdf
- (C) FIN - Application for Abatement - 3002 Arizona Dr.pdf
- (C) FIN - State Contract.pdf

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

1. Approve the contract with Rainbow Gas Company for natural gas for the 2021-2022 option year.
2. Approval of Task Order 21-04 to Agreement with Houston Engineering for Solid Waste Operations Engineering Services.

Documents:

[\(C\) PW-SO - Approval of Natural Gas Option Year Contract with Rainbow Gas.pdf](#)  
[\(C\) PW-SO - Approval of Task Order 21-04 to Agreement with Houston Eng for Solid Waste Operations.pdf](#)

4. REGULAR AGENDA

5. Consider the request from the Human Resource Department for the following:
  1. Acceptance and implementation of Condrey & Associates report and recommendations of the City's Classification and Compensation Plan.

Documents:

[\(R\) HR - Condrey and Assoc Study.pdf](#)

6. Consider the request from the Community Development Department for the following:
  1. Request of Five Star Storage, Steve Mariner and Art Mariner to appeal the May 26, 2021 decision of the Bismarck Planning and Zoning Commission to deny a zoning change from the CA-Commercial zoning district to the PUD-Planned Unit Development zoning district for Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way.

Documents:

[\(R\) CD - Appeal Northridge Estates Commercial Park ZC\\_Redacted.pdf](#)

7. Public Hearing on Ordinance 6466, a request for the annexation of Lots 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat, requested by Five Guys Investment, LLP.

Documents:

[\(C\) CD - Boulder Ridge 7th Add 1st Replat\\_Annexation, Ord 6466.pdf](#)

8. Consider the request from the Community Development Department for the following:
  1. RBK Ventures Second Subdivision, requested by RBK Ventures, LLC
    - Public Hearing on Ordinance 6468, a request for a zoning change from the A – Agriculture zoning district to the Conditional

- MA – Industrial zoning district
- Final plat of RBK Ventures Second Subdivision.

Documents:

(C) CD - RBK Ventures Second Subdivision, Ord 6468.pdf

9. Consider the request for resolution from the Airport for the following:
1. Receive and consider bids for Airfield Painting.
  2. Award contract for Airfield Painting.

Documents:

(R) AIR - Bids for Airfield Painting.pdf

- ~~10. Consider the request for resolution from the Public Works Service Operations Department for the following:~~
- ~~1. Award the 2021-22 recyclable materials contract to the low bidder for the Solid Waste Division.~~

Documents:

~~(R) PW-SO - Bid Award for Recyclable Materials.pdf~~

Other Business

Adjourn

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