

July 13, 2021

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, July 13, 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. 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 one business day before the meeting.

As always, 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.

FUTURE COMMISSION MEETINGS:

- 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. 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:

[MN06222021.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.
 - 40 Steak & Seafood - 1401 E Interchange Ave
 - A&B Pizza South, Inc. - 311 S 7th St
 - A&B Pizza South, Inc. - 656 Kirkwood Mall
 - Amvets Post 9 - 2402 Railroad Ave
 - Anima Cucina - 101 N 5th St
 - Beer Cave - 1020 S Washington St
 - Bismarck Brewing - 1100 Canada Ave #1
 - Bismarck HuHot Mongolian Grill - 409 S 3rd St
 - Bistro 1100 - 1103 E Front Ave
 - Blarney Stone Pub - 408 E Main Ave
 - Bruno's Pizza - 910 E Front Ave
 - Buffalo Wild Wings - 3420 N 14th St
 - Buffalo Wild Wings - 218 S 3rd St
 - Butterhorn - 210 E Main Ave
 - China Town Buffet - 330 Riverwood Dr #1
 - Corral Bar - 2111 E Main Ave
 - Country House Deli - 1045 E Interstate Ave
 - EAT Thai Café - 409 Riverwood Dr
 - Fireflour Pizza - 111 N 5th St

- Interstate A & B Pizza - 1017 E Interstate Ave
- Jack's Steakhouse & Seafood - 1201 S 12th St
- Jimmy V's - 512 E Main Ave
- La Carreta Mexican Restaurant - 505 E Bismarck Expy
- Lady J's Catering - 930 N Griffin St
- Lander's Shell - 2210 N 12th St
- La Quinta Inn & Suites - 2240 N 12th St
- Luckys 13 Pub - 915 S 3rd St
- Lüft - 510 E Main Ave
- Marlin's Family Restaurant - 3938 Miriam Ave
- Bismarck Moose Lodge #302 - 312 N 20th St
- Our Place Tavern - 1305 E Front Ave
- Paradiso - 2620 State St
- Peacock Alley - 422 E Main Ave
- Radisson Hotel & Conference Center - 605 E Broadway Ave
- Ramkota Hotel & Conference Center - 800 S 3rd St
- Sports Page - 1120 Tacoma Ave
- Taco Del Mar - 1024 S 12th St
- Williquors - 3025 Yorktown Dr

2. Approve the request for letter of support from Sabre Properties, LLC.

Documents:

- [\(C\) ADMIN - Liquor License Renewals.pdf](#)
- [\(C\) ADMIN - Sabre Properties.pdf](#)

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

1. Approval of utility easement for Capital Electric Cooperative, Inc.
2. Approval of a lease agreement with the State Historical Society of North Dakota for a storage building.
3. Approval to sell or dispose of 1995 Ford FT900 with Epoke Sander at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05.

Documents:

- [\(C\) AIR - Capital Electric.pdf](#)
- [\(C\) AIR - LA State Historical Society.pdf](#)
- [\(C\) AIR - Sell-Dispose 1995 Ford.pdf](#)

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

1. Introduction and call for a public hearing on Ordinance 6472 to amend Section 5, 6 and 12 to conform to state law.

Documents:

[\(C\) ATTY - Ordinance 6472.pdf](#)

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

1. Approval to accept state aid funding for public health services from the ND Department of Health.

Documents:

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

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

1. Consider the request and allow for the reallocation of \$214,804 of CDBG-CV funds originally awarded for the operation of the COVID-19 Emergency Shelter to be reallocated for another eligible project(s).
2. Introduction of and call for a public hearing on Ordinance 6475, a request for the annexation of Lots 1-3, Block 1, Memory Third Addition and all of the right-of-way for Brookside Place, requested by TPR Partnership LLP and Belfield Access Terminal LLC. The Bismarck Planning and Zoning Commission recommends approval.
3. Approval of proposed revised minor subdivision final plat for Northern Plains Commerce Centre Second Addition.
4. Introduction of and call for a public hearing on Ordinance 6477, a staff-initiated zoning ordinance text amendment relating to floodplain regulations. The Bismarck Planning and Zoning Commission recommends approval.
5. Introduction of and call for a public hearing on Ordinance 6746, a request for the annexation of parts of Silver Ranch First Addition and Silver Ranch First Addition First Replat, requested by Investcore, Inc. The Bismarck Planning and Zoning Commission recommends approval.
6. Approve Bis-Man Transit to purchase one (1) paratransit cutaway bus.

Documents:

[\(C\) CD - BGCV Reallocation Request.pdf](#)

[\(C\) CD - Memory 3rd Annexation 6475.pdf](#)

[\(C\) CD - Northern Plains Commerce Centre Second Addition.pdf](#)

[\(C\) CD - ZOTA FP Floodplain 6477.pdf](#)

[\(C\) CD - SilverRanch Ord 6746.pdf](#)

(C) CD - Purchase of Paratransit Cutaway Bus.pdf

I. Consider the request for resolution from the Engineering Department for the following:

1. Approval of Contracts and Bonds for previously awarded special assessed projects.
2. Approval of assignment of North Dakota Department of Transportation (NDDOT) COVID Relief Funds to upcoming 43rd Avenue NE reconstruction project 1-981(123), PCN 22929; HC 131 from State Street to 26th Street.
3. Approval of North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement for Bismarck Expressway Pavement Rehabilitation and Safety Improvement Project 1-810(031)002, PCN 23207; 1-094(221) 925, PCN 23208; 1-810(032)002, PCN 23225; City Project HC 145.
4. Approval of North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement for University Drive Pavement Rehabilitation Project NHU-SU-1-804(050)072, PCN 23223; City Project HC 146.
5. Approval of Contract Change Order No. 2 for SI 531A.
6. Approval of Contract Change Order No. 7 for SI 531B.
7. Approval of Change Order No. 2 for SI 532, time extension to August 15, 2021.
8. Approval of Change Order No. 1 for SI 534, time extension to August 15, 2021.
9. Accept Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 555.
10. Approval of dedication and acceptance of Storm Water Easement and Maintenance Agreement on Lot 1, Block 15, Silver Ranch Third Addition.
11. Request to receive bids and award contract for Sewer Utility Project SU 84 to Tand Construction.

Documents:

- (C) ENG - 2021 Contracts and Bonds.pdf
- (C) ENG - NDDOT COVID Funds.pdf
- (C) ENG - NDDOT PE agreement - HC145.pdf
- (C) ENG - NDDOT PE agreement - HC146.pdf
- (C) ENG - SI 531A - Change Order.pdf
- (C) ENG - SI 531B - Change Order.pdf

- (C) ENG - SI 532 - Change Order.pdf
- (C) ENG - SI 534 - Change Order.pdf
- (C) ENG - SI 555 - insuff of protests.pdf
- (C) ENG - storm water and drainage easement - Silver Ranch Third.pdf
- (C) ENG - SU 84 - award.pdf

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

1. Approval to extend current ticketing services agreement with Etix for the 3-year option.

Documents:

(C) EC - Etix contract renewal.pdf

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

1. Introduction of and call for a public hearing on ordinances 6469-6471, to create special assessment districts for annexed properties.
2. Application for Abatement for 2021, Comparable Market Value at 3249 Crocus Avenue.

Documents:

(C) FIN - Ordinances 6469-6471.pdf
(C) FIN - Application for Abatement - 3249 Crocus Ave.pdf

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

1. Approval to accept donation of a ProForm 505 SPX exercise bike.

Documents:

(C) FIRE - Exercise Bike Donation.pdf

M. Consider the request for approval from the Police Department for the following:

1. Approve and allow the grant application for comprehensive opioid, stimulant, and substance abuse program.

Documents:

(C) Police - Grant application request.pdf

N. Consider the request for approval from the Public Works - Service

Operations Department for the following:

1. Award the bid for recyclable materials contract for Solid Waste to Gerdau Ameristeel US, Inc.
2. Award the bid for self-propelled brooms for Roads & Streets operations to Swanston Equipment Companies.
3. Award the 2021 furnishing street maintenance materials as follows: Part 1 – deicing sand to Northern Improvement Company; and reject all bids for Part 2 – rock salt.
4. Approval to purchase a Carlson Compactor/Dozer Cab Mount GPS System for Solid Waste Disposal operations from the MN SWIFT Contract No. 171660, Release No. S-934(5)

Documents:

[\(C\) PW-SO - Bid Award for Recyclable Materials Collection.pdf](#)
[\(C\) PW-SO - Bid Award for Self-Propelled Brooms for Roads and Streets Operations.pdf](#)
[\(C\) PW-SO - Bid Award for Street Maintenance Materials.pdf](#)
[\(C\) PW-SO - Purchase of Compactor Dozer Cab Mount GPS System for Solid Waste Operations.pdf](#)

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

1. Approval of the 2021-22 option to the Utility Billing Fulfillment Services Contract with Peregrine Services.
2. Approval of Contract Change Order M-01 with Central Mechanical, Inc., for the Lockport Pump Station.

Documents:

[\(C\) PW-UO - Approval of Contract Option for Utility Billing Fulfillment Contract.pdf](#)
[\(C\) PW-UO - CO1 with Central Mechanical for Lockport Pump Station.pdf](#)

3. REGULAR AGENDA
4. Public Hearing on a new Class F1 Restaurant Full Alcohol liquor license for Pitorro Restaurant & Bar LLC (dba) Pitorro Restaurant & Bar at 1235 South 12th Street.

Documents:

[\(R\) ADMIN - New Liquor License - Pitorro Restaurant and Bar.pdf](#)

5. Public Hearing on Ordinance 6478, a request for 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 requested by Five Star Storage, Steve Mariner and Art Mariner.

Documents:

[\(R\) CD - Northridge Estates Commercial Park PUD.pdf](#)
[Five Star Storage.pdf](#)

6. Public Hearing on Ordinance 6465 to amend Ordinance 6-08-06, regarding BB and Pellet Guns.

Documents:

[\(R\) ATTY - Ordinance 6465 Airsoft.pdf](#)

7. Consider the request from the Community Development Department for the following:
 1. Request and direct staff to prepare written consent of the annexation request for the property located within a portion of the City of Bismarck extraterritorial area described as: Lincoln Township, Auditor's Lot AC of the SE ¼, Section 13, Township 138 North, Range 80 West, Burleigh County, North Dakota (Parcel Number 38-138-80-00-13-805).

Documents:

[\(R\) CD - City of Lincoln Annexation Request.pdf](#)

8. Consider the request for resolution from the Engineering Department for the following:
 1. Receiving Bids and Ordering Preparation of the Engineer's Statement for SI 554.
 2. Awarding Contract for SI 554.

Documents:

[\(R\) ENG - SI 554 - award.pdf](#)

9. Consider the request for resolution from the Engineering Department for the following:
 1. Receive Bids and Award the Contract for WU 135.

Documents:

[\(R\) ENG - WU 135 - award.pdf](#)

10. Receive presentation of the 2020 Annual Audit results and comprehensive financial report.

Documents:

[\(R\) FIN - 2020 ACFR and Audit Presentation.pdf](#)

11. Consider the request for approval from the Administration Department for the following:
 1. Discuss the report from Condrey and Associates and direct staff on the next steps to consider regarding implementation of job classifications and compensation plan.

Documents:

(R) ADMIN - Condrey Report.pdf

12. Discussion of 2022 budget recommendations provided by the City's Budget Committee and discuss the 2022 preliminary budget.

Documents:

(R) FIN - 2022 Preliminary Budget Presentation.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 Land Acquisition.pdf

Other Business

Adjourn

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