



Board of City Commissioners

August 3, 2022

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, August 9, 2022, at 5:15 PM 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. 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 PM 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.org) and [Facebook LIVE](https://www.facebook.com/bismarckndgov). Agenda items can be found online at www.bismarcknd.gov/agendacenter.

Call to Order

FUTURE COMMISSION MEETINGS:

- August 23, 2022
- September 13, 2022 & September 27, 2022
- October 11, 2022 & October 25, 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

Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items)

1. CONSENT AGENDA

A. Consider approval of minutes

Documents:

[July 26, 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. Gaming site authorization for Furry Friends Rockin' Rescue at Buckstop Junction, 3805 East Bismarck Expressway.
2. Liquor license renewal, Pilot Travel Centers, LLC. Store #1224, 3936 Miriam Avenue.
3. Introduction of and call for a public hearing on a request for a new class C2 Hotel/Motel liquor license for Peterson Hospitality, LLC. (dba) Wingate by Wyndham Bismarck at 1421 Skyline Boulevard.
4. Dakota Concepts, LLC. letter of support.

Documents:

[C\) ADMIN - Gaming Site Authorization - Furry Friends Rockin Rescue - 8.9.22.pdf](#)
[C\) ADMIN - Liquor License Renewals.pdf](#)
[C\) ADMIN - New Liquor License - Wingate by Wyndham Bismarck.pdf](#)
[C\) ADMIN - Dakota Concepts LLC. Letter of Support.pdf](#)

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

1. Lease of Canon Copier/Printer using North Dakota State Bid.

Documents:

[C\) AIR - Printer-Copier Lease Agreement.pdf](#)

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

- 1. Permission to apply for Prevention Grant Funding from**

the ND Department of Health and Human Services.

Documents:

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

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

1. Introduction of and call for public hearing on Ordinance 6519, a zoning change from the RM30 – Residential and CG – Commercial zoning districts to the RMH – Residential zoning district for Lots 1-18, Block 10 and the S½ of the vacated Ingals Avenue adjacent to Lot 1, Block 10; Lots 1-24, Block 19; all of the vacated Indiana Avenue adjacent to Blocks 10 and 19; and Lots 1-5 and 13-24, Block 1, and the N½ of the vacated Michigan Avenue adjacent to Block 18, Coffin Addition. The Bismarck Planning and Zoning Commission recommends approval.
2. Major subdivision final plat of George Subdivision, requested by George Land Company. The Bismarck Planning and Zoning Commission recommends approval.
3. Jacks First Addition, requested by KC Land Holdings, LLC. The Bismarck Planning and Zoning Commission recommends approval.
 - Minor subdivision final plat of Jacks First Addition
 - Development Agreement
4. Consider delaying the continued public hearing on Ordinance 6510 and Ordinance 6511 to the August 23, 2022, Board of City Commissioners meeting.

Documents:

[C\) CD - ORD 6519.pdf](#)

[C\) CD - George Subdivision Major Subdivision Final Plat.pdf](#)

[C\) CD - Jacks First Addition Minor Subdivision Final Plat and Development.pdf](#)

[C\) CD - Ord 6510 and 6511.pdf](#)

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

1. Memorandum of Understanding with Bismarck Public Schools concerning the dedication of rights of way and securing of temporary construction easements associated with the upcoming Ash Coulee Drive reconstruction project in the vicinity of Horizon Middle School.
2. Curb ramp agreements with the North Dakota Department of Transportation as part of upcoming pavement rehabilitation projects on East Bismarck Expressway (ND 810) and

University Drive (ND 1804).

Documents:

- C) [ENG - Memorandum of Understanding with Bismarck Public Schools.pdf](#)
- C) [ENG - NDDOT Curb Ramp Agreements.pdf](#)

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

1. Applications for Abatement where the Assessing Division recommends approval.
2. Introduction and call for a public hearing on Ordinance 6520 to amend the 2022 budget ordinance.
3. Resolution Directing Special Assessments to be Levied.

Documents:

- C) [FIN - Abatements.pdf](#)
- C) [FIN - Ord 6520 to Amend the 2022 Budget.pdf](#)
- C) [FIN - Resolution Directing Special Assessments to be Levied.pdf](#)

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

1. Permission for the Police Department to offer two experienced officer candidates up to 40 hours of incentive time upon hire.

Documents:

- C) [HR - Incentive Time for Recruiting.pdf](#)

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

1. Sell decommissioned police vehicles through Mid States Auto Auction.

Documents:

- C) [PD - Sale of Decommissioned Vehicles.pdf](#)

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

1. Change Order 1, a time extension with Western Edge Electric,

- Inc. for the Fire Station 1 Generator Replacement contract.
2. Permission to award the bid for the natural gas contract for 2022 - 2023.
 3. Permission to sell a Public Works Utility Operations Department vehicle at auction.
 4. Permission to award the 2023 - 2025 Single Sort Curbside Recycling contract with Waste Management.

Documents:

- C) PW SO - Change Order 1 with Western Edge Electric for Fire Station 1 Generator Time Extension.pdf
- C) PW SO - Natural Gas Bid 2022 - Rainbow Gas.pdf
- C) PW SO - Permission to Sell PW Utility Pickup at Auction.pdf
- C) PW SO - Single Sort Curbside Recycling Contract with WM 2022.pdf

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

1. Permission to accept Task order 17 to the agreement with AE2S for 2022 Bismarck Water Treatment Plant Filter 1-6 Upgrade Instrumentation and Controls Commissioning.

Documents:

- C) PW UO - AE2S Filter Upgrade.pdf

2. REGULAR AGENDA

3. Commissioner Portfolio Report - Commissioner Marquardt

4. Consider the request for approval of a Memorandum of Understanding with Bismarck State College to convey a parcel of land near their campus.

Documents:

- R) ATTY - MOU with BSC.pdf

5. Public hearing on a new Class I1 Restaurant Full Alcohol Liquor License for Ja Bomb Inc., located at 706 Kirkwood Mall.

Documents:

- R) ADMIN - New Liquor License - Ja Bomb Inc. - 706 Kirkwood Mall.pdf

6. Public hearing on Ordinance 6518 to amend the shoplifting ordinance for clarity.

Documents:

[R\) ATTY - Ord 6518.pdf](#)

7. Consider the request from the Community Development Department for the Paradise Valley Addition Addition submitted by MBR Properties, LLC.
 1. Public hearing on Ordinance 6515, a request for the annexation of Paradise Valley Addition.
 2. Public hearing on Ordinance 6516, a request for a zoning change from the RR – Rural Residential zoning district to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts.
 3. Public hearing on a Future Land Use Plan amendment to increase the size of the area designated as Commercial/Mixed Use from approximately 12 acres to approximately 19 acres.
 4. Fringe Area Road Master Plan amendment to move the north-south collector for this section approximately 735 feet to the west to align with Boston Drive to the north across East Burleigh Avenue.
 5. Major subdivision final plat of Paradise Valley Addition.
 6. Development Agreement.
 7. Private Drive and Private Utility Agreement.

Documents:

[R\) CD - Ord 6515 and 6516.pdf](#)

8. Consider the request from the Community Development Department for Meadow Village Addition First Replat, requested by REI Holdings, LLC
 1. Public hearing on Ordinance 6517, a request for a zoning change from the R10 – Residential and RM30 – Residential zoning districts to the PUD – Planned Unit Development zoning district, as outlined in the attached draft ordinance, for Meadow Village Addition First Replat.
 2. Minor subdivision final plat of Meadow Village Addition First Replat.
 3. Private Drive and Private Utility Agreement.
 4. Development Agreement.

Documents:

[R\) CD - Ord 6517.pdf](#)

9. Request of DPH Investments, LLC to release a sanitary sewer, watermain, and access easement described as all that part of Lot 2, Block 1, Kilber North Addition First Replat.

Documents:

[R\) CD - Kilber North Addition First Replat.pdf](#)

10. Update on the 2023 Bismarck-Burleigh Public Health Department's discussions with the Burleigh County Budget Committee and the Burleigh County Commission.

Documents:

R) BBPH - 2023 Budget Discussions with Burleigh County.pdf

11. **Receive and review Mayor Schmitz's guiding principles for leading the City of Bismarck.**

Documents:

R) ADMIN - Memo from Mayor Schmitz.pdf

12. **Request by Commissioner Zenker to Rescind July 12, 2022, Action**

Documents:

R) ADMIN - Request to Rescind July 12 2022 Action.pdf

Other Business

Adjourn

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