



Board of City Commissioners

March 22, 2023

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, March 28, 2023, 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 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/bismarcknd). Agenda items can be found online at www.bismarcknd.gov/agendacenter.

MEETING OF THE BOARD OF HEALTH

1. Call to order
2. Receive an update from Public Health Director Moch regarding the 2022 Annual Report
3. Adjourn

Documents:

[BBPH - City Board of Health.pdf](#)

MEETING OF THE BOARD OF CITY COMMISSION

Call to Order

FUTURE COMMISSION MEETINGS:

April 11, 2023 & April 25, 2023

May 9, 2023 & May 23, 2023

June 13, 2023 & June 27, 2023

MISSION STATEMENT

To provide high-quality public services in partnership with our community to enhance our quality of life.

Recognition of Milla Weigel for Accomplishment of the Girl Scout Gold Award

Recognition of Bismarck Citizen Academy Participants

National Public Safety Telecommunications Week Proclamation

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:

[March 14, 2023 - Minutes.pdf](#)

B. Consider approval of personnel actions

Documents:

[HR - Personnel Report.pdf](#)

C. Consider approval of expenditures

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

1. Introduction of and call for a public hearing on a request to transfer the Class C-2 Hotel or Motel Alcohol License from Dosch Hospitality, Inc. (dba) Expressway Suites to BDH3 – Bismarck, LLC. (dba) Expressway Suites at 180 East Bismarck Expy.
2. Introduction of and call for a public hearing on a request for a Class F1 Restaurant Full Alcohol license for MayaS Incorporated (dba) MayaS at 1601 West Century Avenue.

Documents:

[C\) ADMIN - New Liquor License - Expressway Suites.pdf](#)
[C\) ADMIN - New Alcohol License - MayS.pdf](#)

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

1. Actions for the General Aviation (GA) Apron Phase 4 Project.
2. Extension of Rural Metro Fire Department Agreement.
3. Request to sell or dispose of vehicles as described in Ord. 7-01-05.
4. **Budget change related to Wetland Phase 7 project.**

Documents:

- [C\) AIR - General Aviation Apron Phase 4 Project.pdf](#)
- [C\) AIR - Rural Metro Extension.pdf](#)
- [C\) AIR - Sell Trucks.pdf](#)
- [C\) AIR - Wetland Phase 7 Project.pdf](#)

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

1. Introduction and call for a public hearing on Ordinance 6543 to amend the personnel regulation portion of the code regarding at-will employees.

Documents:

- [C\) ATTY - Ord 6543.pdf](#)

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

1. Approval of dedication and acceptance of a sanitary sewer easement granted by the Bismarck Parks and Recreation District within Lot 24, Block 2, Pebble Creek 3rd Addition.
2. Approval of dedication and acceptance of sidewalk easements granted by Liechty Homes, Inc. within Lot 1, Block 4 and Lot 1, Block 1, Stonecrest 2nd Addition.
3. Encroachment and waiver agreement with Fierce Properties, LLC dba The Window Source for a sign and hardware overhanging the public right of way of Memorial Highway.
4. Approval of the Development Agreement with MBR Properties, LLC regarding Paradise Valley Addition.
5. Request to Receive Bids and Award Contract for Street Light and Traffic Signal Utility Project SV 68.
6. Request to Receive Bids and Award Contract for Water Utility Project WU 141.

Documents:

- C) [ENG - BPRD Easement.pdf](#)
- C) [ENG - Liechty Easement.pdf](#)
- C) [ENG - The Window Source Encroachment.pdf](#)
- C) [ENG - SE 582.pdf](#)
- C) [ENG - SV 68.pdf](#)
- C) [ENG - WU 141.pdf](#)

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

1. Application for Abatement.
2. **7-year tax-exempt financing lease of two sweepers, one motor grader, and one scraper (landfill) at a 3.905% interest rate from Bank of America.**
3. 2023 budget reallocation for the fire station #1 remodel project.
4. Accept awarded grant from the North Dakota Department of Emergency Services (NDDDES) Division of Homeland Security.

Documents:

- C) [FIN - Abatement.pdf](#)
- C) [FIN - 2023 Leases with Bank of America.pdf](#)
- C) [FIN - Fire Station 1 Budget Reallocation.pdf](#)
- C) [FIN - NDDDES Grant Approval.pdf](#)

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

1. Updated City of Bismarck Title VI plan.

Documents:

- C) [HR - 2023 City of Bismarck Title VI Plan.pdf](#)

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

1. Award the bids for the Fire Station 1 Remodel Project.

Documents:

- C) [PW SO - Bid Award for Fire Station 1 Remodel.pdf](#)

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

1. A development agreement with Boden Development, LLC.
2. Permission to award the bid for construction of sanitary sewer

- Hay Creek Interceptor from Century Avenue to Calgary Avenue project (SU23-90).

Documents:

[C\) PW UO - Boden Development Agreement.pdf](#)
[C\) PW UO - Hay Creek Interceptor.pdf](#)

3. REGULAR AGENDA

4. Public hearing on the request for a new Class D Full Alcohol license from The Domain, LLC. (dba) The Domain, at 307 North 3rd Street.

Documents:

[R\) ADMIN - New Liquor License - The Domain.pdf](#)

5. Public hearing on Ordinance 6545, a zoning map amendment from the P – Public zoning district to the R5 – Residential zoning district for Lots 1-8, Block 1, Hay Creek Park Addition, requested by Bismarck Parks and Recreation District.

Documents:

[R\) CD - Ord 6545.pdf](#)

6. Public hearing on Ordinance 6546 to amend the motorized scooter portion of the traffic code.

Documents:

[R\) ATTY - Ord 6546.pdf](#)
[Revised Ord 6546.pdf](#)

7. Public Hearing on Ordinance 6547 to Amend the 2022 Budget for Governmental Accounting Standards Board (GASB) 87 reporting purposes.

Documents:

[R\) FIN - Ord 6547.pdf](#)

8. Consider approving the 2024 lease from the City of Bismarck to Burleigh County for the first floor of the City/County Building.

Documents:

[R\) ATTY - City-County Lease.pdf](#)

9. Consider approval of a Memorandum of Understanding with Bird Rides, Inc. to operate standup electric scooter sharing within the City of Bismarck right of way.

Documents:

R) ENG - Bird Scooters MOU.pdf

10. Consider request for resolution receiving bids and ordering preparation of the engineer's statement and request for resolution awarding contract for Street Improvement District SI 571.

Documents:

R) ENG - SI 571.pdf

11. Continue discussion on Utility Rate approach and Survey results.

Documents:

R) PW UO - Utility Rates Study Update.pdf

12. Review and discuss 2023 Legislative Report.

Documents:

R) ADMIN - 2023 Legislative Report.pdf

13. Consider the attached draft response letter to the Federal Emergency Management Administration (FEMA) regarding the City of Bismarck's preliminary Flood Insurance Rate Map (FIRM) changes.

Documents:

R) ADMIN - FEMA Response Letter.pdf

14. Consider clarifying the motion to appoint Michael Connelly to the open City Commission seat.

Documents:

R) ATTY - Appointment Process.pdf

15. Other Business

Adjourn

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