

MEETING OF THE BOARD OF CITY COMMISSION
May 22, 2018

The Board of City Commission met in regular session on May 22, 2018 at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioner Marquardt, Askvig, Oban, Guy and President Seminary.

A Chaplain of the Bismarck Police Department presented the invocation.

1. Commissioner Askvig moved to approve the minutes of the May 8, 2018 regular city commission meeting. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C
2. Commissioner Askvig moved to approve the consent agenda. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C
 - A. Voucher numbers: 1080491-1080841
 - B. Personnel actions.
 - C. Administration Department:
 1. Gaming Site Authorization Renewals for the following:
 - Bismarck Elks Home Association
 - Bismarck Event Center
 - Bismarck Municipal Ball Park
 - Bismarck-Mandan Elks Lodge #1199
 - Bismarck-Mandan Elks Lodge #1199
 - Bismarck Municipal Ball Park
 - Fort Abraham Lincoln Foundation
 - Coulter Lodging Inc., Expressway Lounge
 - Bismarck Hotel Radisson
 - Ramada of Bismarck / 701 Lounge
 - Nodak Sportsman's Club
 - Midway Tavern
 - OK Corral
 - Space Aliens
 - The Tap In Tavern
 - Mandan Baseball
 - The Pond
 2. Liquor License Renewals for the following:
 - The Pier Bar & Grill – 1120 Riverwood Dr.
 - Horizon Market – 125 Durango Dr.
 - Bismarck Larks Baseball – 400 East Front Ave.
 - Vintner's Cellar Winery – 3250 Rock Island Place, Suite #5

- Polar Package Place/Luckys Bar – 2150 East Thayer Ave.
- Shogun Japanese Steakhouse, Sushi & Thai – 2700 State Street, Suite H1
- Rock’N 50’s Café – 2700 State Street
- Paradiso – 2620 State Street
- Texas Roadhouse – 1505 Burnt Boat Drive
- Space Aliens Grill & Bar – 1304 East Century Ave.
- Ruby Tuesday – 3520 State Street
- Ground Round – 526 South 3rd St
- Blarney Stone Pub – 408 E. Main Ave
- Noodlezip – 208 E Main Ave
- Expressway Suites Inc. – 180 E. Bismarck Expressway
- Runway Express Mart Inc. – 1740 Airport Road

3. Introduction of and call for a Public Hearing on a request for a new Class I-2 retail alcohol license for Country House Deli, located at 1045 East Interstate Avenue.

4. Introduction of and call for a Public Hearing on a request for a new Class I-2 retail alcohol license for Terra Nomad Company, located at 514 East Main Avenue.

D. Airport:

1. Reimbursable Agreement with the Federal Aviation Administration for navigation aid flight checks associated with Runway 13/31 reconstruction (Phase 4).

E. City Attorney:

1. Introduction of and call for a Public Hearing on Ordinance 6334, relating to standards for a cable television franchise.

CITY OF BISMARCK

Ordinance No. 6334

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 10-11.1-04, 10-11.1-11, 10-11.1-13, 10-11.1-14, 10-11.1-15, 10-11.1-16 AND 10-11.1-18 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO CABLE SYSTEMS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 10-11.1-04 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

* * * * *

10-11.1-04. Definitions. For purposes of this ordinance and a franchise, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this ordinance and any franchise granted by City, unless the context clearly indicates that another meaning is intended or unless otherwise more specifically defined in another chapter or code of the City. Words used in the present tense include the future tense, words in the single number include the plural number, and words in the plural number include the singular. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

* * * * *

~~CATV: Means an entity designated by the City to oversee and administer public, educational, and governmental access programming in the City.~~

~~Channel: Means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of carrying one industry standard video signal, in either analog or digital form. At the time of the passage of this Ordinance, an analog standard channel is defined as six (6) MHz.~~

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DMA: Means Dakota Media Access, an entity designated by the City to oversee and administer public, educational, and governmental access programming in the City.

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~~Institutional Network: Means a communication network for educational or governmental use which is constructed or operated by a grantee and which is generally available only to subscribers who are not residential subscribers.~~

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(Ord. 5647, 11-27-07)

Section 2. Amendment. Section 10-11.1-11 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Service Areas and Technical Standards is hereby amended and re-enacted to read as follows:

10-11.1-11. Service Areas and Technical Standards.

* * * * *

3. Subscriber Charges for Extensions of the Cable System. No subscriber shall be refused cable service arbitrarily. However, if an area does not meet the density requirements of paragraph 2 above, a grantee shall only be required to extend the cable system to subscriber(s) in that area if the subscriber(s) are willing to share the capital costs of extending the cable system. Specifically, a grantee shall contribute a capital amount equal to the construction cost per mile, multiplied by a

fraction whose numerator equals the actual number of residences per one thousand three hundred and twenty (1,320) cable-bearing strand feet from the tap or node as designated by the grantee of a grantee's trunk or distribution cable, and whose denominator equals ten (10). Subscribers who request cable service hereunder shall bear the remaining cost to extend the cable system on a *pro rata* basis. A grantee may require that payment of the capital contribution in aid of construction borne by such potential subscribers be paid in advance. Subscribers shall also be responsible for any non-standard installation charges to extend the cable system from the tap or node as designated by the grantee to the residence.

4. Technical Standards. A grantee is responsible for insuring that the cable system is designed, installed and operated in a manner that fully complies with FCC rules in Subpart K of Part 76 of Chapter I of Title 47 of the Code of Federal Regulations as revised or amended from time to time. As provided in these rules, the City shall have, upon request, the right to obtain a copy of tests and records required in accordance with appropriate rules but the City has no authority, pursuant to federal law, to enforce compliance with such standards.

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Section 3. Amendment. Section 10-11.1-13 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Public, Educational and Government Access Channels is hereby amended and re-enacted to read as follows:

10-11.1-13. Public, Educational and Government Access Channels.

* * * * *

2. All such public, educational and government access channels shall be available to all subscribers as part of their basic cable. Given the on-going changes in the state of technology as of the effective date of this ordinance, absent express written consent of the City, grantee shall transmit at least ~~two~~ three public, educational and government access channels in the format or technology utilized to transmit all of the channels on basic cable. Oversight and administration of the educational and government access channels shall be set forth in the franchise agreement.

* * * * *

7. The use of PEG access channels by City or its designee, ~~CATV DMA~~, shall be in accordance with and subject to the rules and procedures adopted by the City or its designee, ~~CATV DMA~~, and as authorized under the Cable Act.

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12. Upon request by the City, the access channels shall be made available in ~~digital~~ any new formats comparable to commercial offerings at the time a grantee converts its system to digital transmission.

13. The City may require all grantees to provide financial support permissible under the Cable Act, as an equipment replacement capital grant payable by each grantee to the City or its designee to support the cost of facilities and equipment for any lawful purpose for development of PEG Access Programming in the amount of up to one two percent (24%) of each grantee's Gross Revenue, as determined by City no more frequently than once every two (2) years. The capital grant shall be payable by each grantee with the Franchise Fee payment as required by this Ordinance and shall be itemized and passed through to the Subscribers, in the same manner. The City shall impose the same percentage fee on all grantees or shall not impose said fee on any grantee.

(Ord. 5647, 11-27-07)

Section 4. Amendment. Section 10-11.1-14 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Cable Service to Public Buildings is hereby amended and re-enacted to read as follows:

10-11.1-14. Cable Service to Public Buildings. A grantee, upon request, shall provide without charge, a standard installation and one (1) outlet and free basic cable to those administrative buildings owned and occupied by the City, library(ies), fire station(s), police station(s) and K-12 public and private school(s) that are within ~~two~~ four hundred (2400) feet of its cable system at the Grantee's lowest non-subsidized residential rate. The City shall take reasonable precautions to prevent any use of a grantee's cable system in any manner that results in the inappropriate use thereof or any loss or damage to the cable operator. The City shall hold a grantee harmless from any and all liability or claims arising out of the provision and use of cable service and/or the cable system required by this subsection. A grantee shall not be required to provide an outlet to such buildings where a non-standard installation is required, unless the City or building owner/occupant agrees to pay the incremental cost of any necessary cable system extension and/or non-standard installation. If additional outlets of basic cable are provided to such buildings, the building owner/occupant shall pay the actual cost associated therewith.

(Ord. 5647, 11-27-07)

Section 5. Amendment. Section 10-11.1-15 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Institutional Network and Services to Public, Governmental, and Educational Locations is hereby repealed as follows:

10-11.1-15. Institutional Network and Services to Public, Governmental, and Educational Locations. Upon written request of the City, a grantee will assist the City in the evaluation of an institutional network, as authorized and as defined in the Cable Act that would interconnect specific public buildings for the transmission and receipt of communications between specific points in the discrete network within the service area at the City's sole expense. The construction and use of any such institutional network provided by a grantee to serve public buildings in the City shall be subject to the terms and conditions of a franchise agreement which is mutually acceptable to a grantee and the City. Nothing in this ordinance or in a franchise shall be deemed as authority to regulate a grantee as a common carrier within the meaning of applicable state or federal law.

(Ord. 5647, 11-27-07)

Section 6. Amendment. Section 10-11.1-16 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Broad Categories of Programs and Services is hereby amended and re-enacted to read as follows:

10-11.1-16. Broad Categories of Programs and Services. Consistent with federal law, a grantee shall provide or enable the provision of at least the following broad categories of programming to the extent such categories are reasonably available on commercially reasonable terms:

- a. Local news, weather, and information
- b. Educational programming
- c. Sports
- d. General entertainment (including movies)
- e. Children/family-oriented
- f. Arts, culture, and performing arts
- g. Food
- h. Foreign language based on population
- i. Science/documentary
- j. National, state, and local government affairs
- k. Access programming, as provided by a Franchise
- l. Program channel guide
- m. National news, weather, and information

(Ord. 5647, 11-27-07)

Section 7. Amendment. Section 10-11.1-18 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Regulation by the City is hereby amended and re-enacted to read as follows:

10-11.1-18. Regulation by the City.

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3. Franchise Fee.

a. A grantee shall pay to the City a franchise fee of five percent (5%) of annual gross revenue. In accordance with the Cable Act, the twelve (12) month period applicable under the franchise for the computation of the franchise fee shall be a calendar year. The franchise fee payment shall be due monthly and payable within thirty (30) days after the close of the preceding month. Each payment shall be accompanied by a brief report prepared by a representative of a grantee showing the basis for the computation. Should a grantee have the ability to do so and at the direction of the City, payments shall be deposited to a City account electronically.

In the event that the Franchise Fee in Paragraph 2.8 is preempted and all appellate or other legal reviews have been concluded, the City may establish and apply to Grantee an alternative per linear foot rental charge for Grantee's

use of the Rights-of-Way. If the City is then applying a linear foot charge to any "Similar User" of the Rights of-Way, the City shall apply to Grantee a linear foot charge at the rate per linear foot that it is charging any Similar User. A "Similar User" shall mean any entity or company that occupies the Rights-of-Way and offers services similar to those that Grantee offers. The City shall apply the rate per linear foot thus determined to the actual linear feet of cables, wires or other devices that Grantee is occupying in the Rights-of-Way in the year at issue. If no Similar User exists at the time that the City establishes a linear foot charge for Grantee, the City shall determine Grantee's charge by reference to the revenues that the City received, or should have received, in the previous twelve months from Grantee. For example, if the City should have received Sixty Thousand Dollars (\$60,000.00) from Grantee for the prior twelve (12) month period and Grantee's facilities occupied thirty thousand (30,000) linear feet of Rights-of-Way during that period, Grantee's rate per linear foot will be Two Dollars (\$2.00) (\$60,000/30,000). The rate of Two Dollars (\$2.00) will then be applied in each subsequent year to the number of linear feet that Grantee's facilities occupy in the Rights-of-Way that year. If the City determines by audit that the revenues that it received in the base period were incorrect, the City shall make appropriate adjustments, both retroactively and prospectively.

Should the above-described linear foot rental charge be declared invalid by a court or other body of competent jurisdiction, or in any way be preempted, relieving the Grantee of the obligation to pay the linear foot rental charge, the City shall establish a further alternative reasonable rental charge or other appropriate method of compensation. Any such further rental charge shall be comparable to payments Grantee would otherwise have been obligated to pay to the City under Paragraph 2.1A. No such further alternative rental charge shall be established without a public hearing with notice to Grantee of such hearing not less than thirty (30) days prior to the public hearing.

Where Grantee bundles, integrates, ties, or combines Cable Service with other services in a bundled package for which Subscribers pay a single fee, Gross Revenues for such bundled, integrated, or tied combination of services shall be determined based on the pricing for individual components billed or advertised to Subscribers by Grantee or, if such pricing for individual components is not provided by Grantee, based on a pro rata allocation among the services offered. Grantee shall not use bundled package offerings as a means of evading the payment of financial obligations that are based on Cable Service revenue.

b. The period of limitation for recovery of any franchise fee payable hereunder shall be three (3) years from the date on which payment by a grantee is due.

c. All amounts due and owing under this ordinance and a franchise and not paid by the dates specified herein shall bear interest at the prime rate listed in the Wall Street Journal on the date payment was due and

compounded daily and calculated daily from the date due until the date of actual payment.

d. The franchise fee obligation herein is a material requirement of a franchise and is considered payment by a grantee for use of rights-of-way.

4.—Accounting Standards. A grantee shall provide to City an unqualified certification of a certified public accountant or the chief financial officer or controller of a grantee, certifying the accuracy of the annual franchise fee payments paid for the previous calendar year. Said certification shall be due forty-five (45) days after the close of the preceding calendar year and shall be prepared in accordance with generally accepted accounting standards as established by the Financial Accounting Standards Board.

Within Forty-five (45) days of the end of each calendar year, a grantee shall file with the City a report, certified by a certified public accountant, an officer or a director of a grantee, showing the previous year's gross revenues from subscribers and the applicable franchise fee payments as defined within the Ordinance.

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(Ord. 5647, 11-27-07)

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 9. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

F. Community Development Department:

1. Introduction of and call for a Public Hearing on Ordinance 6332, a zoning ordinance text amendment relating to design standards for the DC-Downtown Core District and the DF- Downtown Fringe District.

CITY OF BISMARCK ORDINANCE No. 6332
AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-21.1 and 14-04-21.2 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE DC DOWNTOWN CORE DISTRICT, THE DF DOWNTOWN FRINGE DISTRICT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-04-21.1 of the City of Bismarck Code

of Ordinances (1986 Rev.) relating to DC Downtown Core District is hereby amended and re-enacted to read as follows:

14-04-21.1 DC Downtown Core District.

* * * * *

4. Design Standards. All development within the Downtown Core District is subject to the following design standards:

* * * * *

b. Review and Approval. All new buildings, building additions, facade alterations (both structural and non-structural), demolition of existing buildings, signage, streetscape installation or modification, fences, lighting and improvements within the public right-of-way within the Downtown Core District shall be subject to the City's downtown design review procedures and guidelines established in the Downtown Design Guidelines document and must be approved prior to issuance of any permits. The City's Renaissance Zone Authority is authorized to act as the Downtown Design Review Committee and shall review project applications for conformance with the Downtown Design Guidelines. After review, the Renaissance Zone Authority may approve an application, deny the application or ask for project modification before approval. The City's Downtown Design Review Committee may delegate design review related tasks to Community Development staff. The building official is authorized by the Downtown Design Review Committee to review sign project applications for design compliance and grant permits to sign applications that meet design standards in the ordinance. Any sign application that is denied because it does not meet design standards in the ordinance may be appealed to the Renaissance Zone Authority acting as the Downtown Design Review Committee upon the request of the applicant. A decision by the Renaissance Zone Authority, acting as the Downtown Design Review Committee regarding the application of the design guidelines, may be appealed to the Board of City Commissioners pursuant to the process outlined in Section 14-06-03(3) of the City Code of Ordinances (Appeal to the Board of City Commissioners).

(Ord. 5422, 05-24-05; Ord. 5813, 03-22-11; Ord. 5852, 11-22-11; Ord. 6118, 05-12-15)

Section 2. Amendment. Section 14-04-21.2 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to DF Downtown Fringe District is hereby amended and re-enacted to read as follows:

14-04-21.2 DF Downtown Fringe District.

4. Design Standards. All development within the Downtown Core District is subject to the following design standards:

b. Review and Approval. All new buildings, building additions, facade alterations (both structural and non-structural), demolition of existing buildings, signage, streetscape installation or modification, fences, lighting and improvements within the public right-of-way within the Downtown Core District shall be subject to the City's downtown design review procedures and guidelines established in the Downtown Design Guidelines document and must be approved prior to issuance of any permits. The City's Renaissance Zone Authority is authorized to act as the Downtown Design Review Committee and shall review project applications for conformance with the Downtown Design Guidelines. After review, the Renaissance Zone Authority may approve an application, deny the application or ask for project modification before approval. The City's Downtown Design Review Committee may delegate design review related tasks to Community Development staff. The building official is authorized by the Downtown Design Review Committee to review sign project applications for design compliance and grant permits to sign applications that meet design standards in the ordinance. Any sign application that is denied because it does not meet design standards in the ordinance may be appealed to the Renaissance Zone Authority acting as the Downtown Design Review Committee upon the request of the applicant. A decision by the Renaissance Zone Authority, acting as the Downtown Design Review Committee regarding the application of the design guidelines, may be appealed to the Board of City Commissioners pursuant to the process outlined in Section 14-06-03(3) of the City Code of Ordinances (Appeal to the Board of City Commissioners).

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(Ord. 5422, 05-24-05; Ord. 5813, 03-22-11; Ord. 6118, 05-12-15)

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

2. Introduction of and call for a Public Hearing on Ordinance 6333, an ordinance text amendment relating to specific provisions for downtown.

CITY OF BISMARCK ORDINANCE No. 6333
AN ORDINANCE TO AMEND AND RE-ENACT SECTION 4-04-09 OF THE BISMARCK
CODE OF ORDINANCES (REV.) RELATING TO SPECIFIC PROVISIONS FOR

DOWNTOWN.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 4-04-09 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Specific Provisions for the Downtown is hereby amended and re-enacted to read as follows:

4-04-09. Specific Provisions for Downtown. The downtown is described as those areas located within the DC – Downtown Core and DF – Downtown Fringe zoning districts. Unless otherwise specified, the following provisions apply to the entire downtown area.

15. All signs within the DC – Downtown Core and DF – Downtown Fringe zoning districts shall be subject to the City's downtown design review procedures in accordance with the provisions of Sections 14-04-21.1(4) and 14-04-21.2(4) of this Code of Ordinances.

a. Any application for a sign permit shall be forwarded to the Downtown Design Review Committee for their review within thirty (30) days of the application submittal. The City's Downtown Design Review Committee may delegate sign permit application review and approval to the Building Official.

b. The Downtown Design Review Committee may waive any provision of this section, or impose additional requirements, as a condition of any design approval. Any such deviation shall be recorded in the minutes of the meeting and enforced by the Building Inspections Division. An applicant may appeal a decision of the Downtown Design Review Committee in a similar manner to any appeal of an advisory board.

c. A sign permit shall be issued by the Building Inspections Division upon approval of the Downtown Design Review Committee.

(Ord. 5183, 05-28-02; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09; Ord. 5912, 08-14-12; Ord. 6191, 03-08-16; Ord. 6272, 07-25-17)

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

3. Resolution to release the temporary cul-de-sac easement and a utility easement within Lot 2, Block 2, Wachter's Seventeenth Addition.
 4. Final action on the 2017 HOME Annual Plan.
- G. Engineering Department:
1. Approval of contract amendment 4 with Apex Engineering Group for Storm Sewer Improvement District 563.
 2. Dedication of Right-of-Way and Utility Easement of the vacated portion of 6th Street.
 3. Resolution Creating Street Improvement District 524 and Preparation of the Preliminary Report.
 4. Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications for Street Improvement District 524.
- H. Finance Department:
1. Designate First International Bank and Trust as a public depository for City funds.
- I. Finance Department – Assessing Division:
1. Application for property tax abatement 2017, Disabled Veteran at 1879 South Grandview Lane.
- J. Veterans Memorial Public Library:
1. Appoint Sue Sorlie to the Library Board of Trustees.
- K. Police Department:
1. Permission to solicit donations to support the 2018 Annual Bismarck Police Department Benefit Golf Tournament.
 2. Permission to use the Bismarck Police Department name, likeness, patch, badge, and squad car to partner with Corydon Collectibles to make die cast Bismarck Police Department police cars.
- L. Public Works Utility Operations Department:
1. Engineering contracts for operations and maintenance activities.

REGULAR AGENDA

3. Public comment (restricted to items on the Regular Agenda, excluding public hearing items). Greg Vetter, representing The University of Mary addressed the commission regarding the Capital Area Transit Green Route.

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4. The Commission considered the request to receive a presentation from Denizen Partners regarding the Galleria Redevelopment Project Proposal. David Witham provided the presentation.

Commissioner Askvig moved to have city staff continue to work with Denizen Partners to provide a cost proposal for the cost of the property. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

5. The Commission considered the request from the Bismarck Parking Authority to award the bid for the Galleria Parking Ramp repair project to the lowest bidder Vector Construction in the amount of \$723,413.71. Others submitting bids were Western Specialty \$948,752, Cyon \$739,860, and Structural \$1,337,165. Jim Christianson addressed the Commission.

Commissioner Askvig moved to award the bid for the Galleria Parking Ramp repair project in the amount of \$723,413.71. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

6. The Commission considered the request for approval from the Public Works Service Operations Department to receive an update for the Water, Sewer and Stormwater Cost of Service and Rate Design Study. Director Michelle Klose provided the presentation including information regarding the Public Meeting on May 24, 2018 at 3:00 p.m. and 7:00 p.m. at Bismarck Public Works for the Utility Operations Cost of Service and Rate Design Study.

7. The Commission President called for the Public Hearing on Ordinance 6328, a request for partial annexation and Ordinance 6329, a request for a zoning change from the R5-Residential, R10-Residential, RT-Residential, CA-Commercial and P-Public zoning districts to the R5-Residential, R10-Residential, CA-Commercial and P-Public zoning districts and approval of the final plat for Silver Ranch First Addition First Replat.

No members of the public appeared for comment.

Commissioner Marquardt moved to approve the request as presented. Commissioner Askvig seconded the motion. Upon a roll call vote, all voted aye. M/C

8. The Commission President called for the Public Hearing on Ordinance 6327, a request for a zoning change from the A-Agricultural and RR-Residential zoning districts to the Conditional R5-Residential zoning district and approval of final plat for Whispering Ridge Subdivision.

No members of the public appeared for comment.

Commissioner Askvig moved to approve the request as presented. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

9. The Commission President called for the Public Hearing on Ordinance 6325, a request for the annexation of Hamburg Industrial Park Third Addition, Ordinance 6329, a zoning change from the A-Agricultural zoning district to the MA-Industrial zoning district for Hamburg Industrial Park Third Addition, and approval of the final plat for Hamburg Industrial Park Third Addition.

No members of the public appeared for comment.

Commissioner Askvig moved to approve the request as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

10. The Commission President called for the Public Hearing on Ordinance 6324, regarding event permits at the Event Center.

No members of the public appeared for comment.

Commissioner Askvig moved to approve the request. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

11. The Commission considered the request for approval from the Bis-Man Transit Board to receive an update on the Capital Area Transit Green Route. Executive Director Roy Rickert provided the presentation. The commissioner questioned the proposed extension requested by the University of Mary for the route. The commission requested additional information such as cost, marketing, and participation for the Capital Area Transit Green Route.

Commissioner Askvig moved to recommend discontinuing the Capital Area Transit Green Route. Commissioner Oban seconded the motion. Upon a roll call vote, Commissioner Askvig, Oban and Seminary aye, Commissioner Marquardt and Guy nay. M/C

12. The Commission President called for the Continued Public Hearing on the request from Burleigh County Housing Authority and Liechty Mobile Homes for a vacation of a segment of the South 11th Street Right-of-Way.

No members of the public appeared for comment.

Commissioner Askvig moved to approve the request as presented. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

13. The Commission received an update on the ND Moves Active Transportation, Transit Plan and Demonstration Project from City Engineer Gabe Schell.

14. The Commissioners considered the request from the Public Works Service Operations Department to award the bid for rental of uniforms and laundering to AmeriPride Services for a thirty-six (36) month period.

Commissioner Askvig moved to award the bid as presented to AmeriPride Services for thirty-six (36) month period. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

Under other business, Commissioner Askvig thanked City Attorney Charlie Whitman for his years of service to the City of Bismarck as he retires in June. The Commissioners applauded his commitment to the city and also thanked him.

Having completed the items on the agenda, President Seminary asked if there was any other business.

The meeting was declared adjourned at 7:01 p.m.