

MEETING OF THE BOARD OF CITY COMMISSION
June 26, 2018

The Board of City Commission met in regular session on June 26, 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.

Annelise Klein, winner of the North Dakota League of Cities essay contest "If I were Mayor for a Day", presented her essay to the Commission.

1. Commissioner Askvig moved to approve the minutes of the June 12, 2018 regular city commission meeting. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

President of City Commission

Steve Bakken 6,325
Isaac Afoakwa 460
Michael Seminary 4,114

City Commission

Nancy Guy 5,460
Beth Nodland 4,625
Greg Zenker 5,034
Mark Splonskowski 4,600

Park Board

Michael Gilbertson 7,106
Julie Jeske 7,437
Mark Zimmerman 7,408

2. Commissioner Askvig moved to approve the canvass returns from the June 12, 2018 Bismarck Primary Election provided by the Burleigh County Canvass Board. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

At 5:35 p.m. the current Board of City Commission adjourned.

Janelle Combs, City Attorney, administered the Oath of Office to Steve Bakken, Nancy Guy and Greg Zenker, elected City Commissioners of the City of Bismarck.

The new Board of City Commission was called to order at 5:40 p.m. There were present: Commissioner Oban, Marquardt, Guy, Zenker and President Bakken.

1. Assignment of Commission Portfolios:

Steve Bakken

- Administration
- City Attorney
- Community Development
- Economic Development
- Human Resources
- City and County Planning Commissions

Greg Zenker

- Airport
- Event Center
- Engineering
- Forestry
- Renaissance Zone Authority
- Weeds
- Strategic Plan Liaison

Nancy Guy

- Facility Maintenance
- Fleet
- Library Liaison
- Public Health
- Public Works Service Operations
- Solid Waste Utility
- Street Light Utility
- Transit Liaison

Steve Marquardt

- Budget/Budget Committee
- Finance
- Fire
- Intergovernmental Relations
- County Planning Commission
- Pension Review Board
- Public Works Utility Operations
- Water and Sewer Utility
- Vision Fund

Shawn Oban

- Central Dakota Communications Center (CenCom)
- Dakota Media Access Liaison
- Mayor's Committee on Employment of Persons with Disabilities
- Municipal Court
- Parking Lots
- Police

- Roads and Streets
- Sidewalks

Commissioner Marquardt moved to approve the Commission portfolio assignments. Commissioner Zenker seconded the motion. Upon a roll call vote, Marquardt, Zenker, Guy and Bakken aye, Commissioner Oban nay. M/C

Commissioner Zenker moved to appoint Commissioner Marquardt as the Vice-President of the City Commission. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Consent Agenda

A. Voucher numbers: 1081527 - 1081527

B. Personnel actions.

C. Administration Department:

1. Gaming Site Authorization Renewals for the following:

- Bismarck CHI St. Alexius Health
 - Bismarck Event Center
 - Scheels
- Fraternal Order of Eagles – Bismarck Aerie #2237
- North Dakota Friends of NRA State Fund Committee, LLC
 - Bismarck Eagles
 - Sickies Garage

2. Liquor License Renewals for the following:

- Chinatown Buffet – 330 Riverwood Dr.
- Panchero's – 1225 W. Century Ave.
- LaQuinta Inn & Suites – 2240 N. 12th St.
- Sidelines Sports Bar – 300 S. 5th St.
- Petro Serve USA #077 – 1120 East Divide Ave.
- Peacock Alley – 422 E. Maun Ave.
- 40 Steak and Seafood – 1401 Interchange Ave.
- Edwinton Brewing Company – 403 E. Main Ave.
- Sickies Garage – 3130 N. 14th St.
- Sports Page, Inc. – 1120 Tacoma Ave.
- Charras – 4503 Skyline Crossings
- Lucky Star Buffet, Inc. – 1065 E.

- Jack's Steakhouse and Saloon – 1201 South 12th St.
- Williquors, Inc. – 3025 Yorktown Dr.
- Landers Shell – 2210 N. 12th St.
- Mesa Airlines, Inc – 2301 University Dr.
- Interstate A & B Pizza, Inc. – 1017 E. Interstate Ave.
- A & B Pizza South, Inc. – 311 S 7th St. & 656 Kirkwood Mall
- Hong Kong Restaurant, Inc. – 1055 E. Interstate Ave.
- DTSG Bismarck Inc. – 401 E Bismarck Expressway
- Service Oil, Inc. – 3936 Miriam Ave.
- Midway Tavern – 1915 E Sweet Ave.
- Fireflour Pizza – 111 N 5th St.
- Kobes – 915 W Interstate Ave.
- Bismarck Staybridge Suites Hotel – 2801 Gateway Ave.
- Stadium Sports Bar & The Lodge – 1247 W Divide Ave.
- Humpback Sally's – 510 E Main Ave.
- Northbrook MVP – 1905 N Washington St.
- Country West MVP – 2205 Tyler Parkway

3. Introduction of and call for a Public Hearing on a New Class I-2 alcohol license for Charras, located at 4503 Skyline Crossings.

D. City Attorney:

1. Introduction of and call for a Public Hearing on Ordinance 6334 relating to wireless telecommunication facilities in the public right-of-way.

E. Community Development:

1. Request of South Bismarck I, LLC and Bismarck Parks and Recreation District to reaffirm approval of the annexation, zoning change, Fringe Area Road Master Plan amendment and final plat for Meadow Village Addition.

2. Request of DLAH Properties, LLC for the release of the utility easement described as the South 10 feet, less the East 10 feet of Lots 2 and 3, Block 3, Prairie Hills 4th Addition and the North 10 feet of Lot C of Lot 1, Block 1, Prairie Hills Third Addition. Staff recommends approval.

3. Request of Pete Brendel for the release of the 10-foot utility easement

within Lots 4 and 5, Block 2, RDO Hay Creek Industrial Addition; and the 14-foot utility easement between Lots 4 and 5, Block 2, RDO Hay Creek Industrial Addition. Staff recommends approval.

4. Streetscape design standards for the installation of mosaics on benches within Chancellor Square. The Renaissance Zone Authority recommends approval.

F. Engineering Department:

1. Street closure request with conditions on Thayer Avenue between 4th Street and 5th Street on August 24th from 5:30 p.m. to 12:00 a.m.

2. Accept the award of the North Dakota Department of Transportation Alternatives Program for a 2019 Sunrise Trail Connection Project contingent upon acceptance by the Bismarck Parks and Recreation District.

3. Approval of Resolutions for Street Improvement District 523:

- Resolution Approving Plans and Specifications.
- Resolution Directing Advertisement of Bids and Receiving Bids.

4. Approval of Resolutions for Sewer Improvement District 574:

- Resolution Creating Sewer Improvement District 574 and Ordering Preparation of the Preliminary Report.
- Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.
- Resolution Approving Plans and Specifications.
- Resolution Directing Advertisement of Bids and Receiving Bids.

G. Finance Department:

1. Maintenance agreement for the IP phone/voice systems with BEK Business Solutions.

2. New World request for the grants and CAFR reporting modules for the City's financial system.

H. Finance Department – Assessing Division:

1. Application for property tax abatement 2018, complainant or property is exempt from taxation for property at 516 North 3rd Street.

2. Application for property tax abatement 2018, complainant or property is exempt from taxation for property at 519 North 4th Street.

3. Application for property tax abatement for 2016 and 2017, Disabled Veteran Credit at 930 North 34th Street.

I. Police Department:

1. Approval of the proposed changes to the Organizational Chart

J. Public Works – Utility Operations Department:

1. Change Order 4 for PKG Contracting for Wastewater Treatment Plant Grit Room Piping & Chute Replacement.

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

The Commission considered the request from the Human Relations Committee to recognize two recipients of the Humanitarian Award. Krista Rausch, Chair of the Human Relations Committee addressed the Commission to recognize Leah Hargrove and Heaven's Helpers Soup Café as the recipients of the Humanitarian Award.

REGULAR AGENDA

3. Public comment (restricted to items on the Regular Agenda, excluding public hearing items).

4. The Commission received an update from Jeff Heintz, Director of Public Works Service Operations, regarding the Missouri River.

5. The Commission received a presentation from Stantec on Phase 1 Diagnostic Evaluation of the Utility Cost of Service and Rate Design Study.

6. The Commission considered the request from the Community Development Department - Planning Division for an appeal of the decision of the Board of Adjustment to deny a variance request made by Gwen Hubbard.

Commissioner Oban moved to approve the appeal by Gwen Hubbard. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

7. The Commission considered the requests from the Community Development Department - Planning Division for the Cottonwood Parkview Addition.

The Commission President called for the Public Hearing on Ordinance 6330, a request for the annexation of Lots 1-2, Block 1, Cottonwood Parkview Addition.

No members of the public appeared for comment.

The Commissioner President called for the Public Hearing on Ordinance 6331, a request for a zoning change from the R5-Residential and R10-Residential zoning districts to the R5-Residential, Conditional R10-Residential, RM10-Residential, RM15-Residential, RM30-Residential, Conditional CA-Commercial and P-Public zoning districts for Cottonwood Parkview Addition.

No members of the public appeared for comment.

Commissioner Marquardt moved to approve the second reading and final passage of ordinance 6330, 6331, approval of the final plat for Cottonwood Parkview Addition, and approval of the Development Agreement for Cottonwood Parkview Addition. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

8. The Commission President called for the Public Hearing on Ordinance 6335, a request for a zoning change from the RM30-Residential zoning district to the R10-Residential zoning district on Lots 2-5, Block 2, Imperial Valley Subdivision, requested by Trent Rittenbach.

No members of the public appeared for comment.

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

9. The Commission President called for the Public Hearing on 6336, a request for a zoning change from the RMH-Residential and MA-Industrial zoning districts to the RMH-Residential zoning district on Auditor's Lot A of part of Blocks 27 & 28, Coffin Addition and part of the SE1/4 of Section 4, Lincoln Township/City Lands, requested by Terveen Manufactured Homes, LLC.

No members of the public appeared for comment.

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

10. The Commission considered the request from the Engineering Department to receive bids and award contract for Water Utility Project 119 to Basaraba Excavating in the amount of \$490,583. Others submitting bids were Kemper Construction Co, \$716,427.20, Engineering & Construction Innovations, Inc. \$949,995, Force Enterprise \$918,112.

Commissioner Marquardt moved to award the contract to Basaraba Excavating in the amount of \$490,583. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

11. The Commission considered the request from the Engineering Department to receive bids and award contract for Water Utility Project 123 to Basaraba Excavating in the amount of \$65,499.69. Others submitting bids were Markwed Excavating \$81,530, Cofell's Plumbing & Excavating \$75,490, and Force Enterprise \$81,946.75.

Commissioner Guy moved to award the contract to Basaraba Excavating in the amount of \$65,499.69. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

12. The Commission considered the request for approval from the Engineering Department for the ND Moves Active Transportation Plan Demonstration Project and budget source.

Commissioner Oban moved to approve the NDDOT Cost Participation, Construction and Maintenance Agreement and approve the budget of \$4,000 from the Commission Special Roads Fund less any reimbursable grants the City is awarded. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

13. The Commission considered the request from the Bismarck Event Center to award the bid to Stein's Inc. in the amount of \$14,229 for a stand on cylindrical scrubber. Others submitting bids were Windsor Karcher Group \$14,350; Nobles \$20,709.92; Southeastern Equipment & Supply Inc. \$19,119.28.

Commissioner Marquardt moved to award the bid to Stein's Inc. in the amount of \$14,229. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

14. The Commission considered the request from the Bismarck Event Center to award the bid to Stein's Inc. (Bobcat Extractor) in the amount of \$2,180.76. Others submitting bids were Gamut \$2,734; and Stein's Inc. (Nobles Extractor) \$2,949.

Commissioner Marquardt moved to award the bid to Stein's Inc. (Bobcat Excavator) in the amount of \$2,180.76. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

15. The Commission considered the request from the Bismarck Event Center to award the bid to Graybar in the amount of \$24,728.79 for arena power boxes. Lex Products also submitted a bid in the amount of \$36,347.

Commissioner Guy moved to award the bid to Graybar in the amount of \$24,728.79. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

16. The Commission considered the request from the Bismarck Event Center to award the bid to Acme Tools in the amount of \$10,994 for a 36' Geni Lift. Material Flow & Conveyor Systems also submitted a bid in the amount of \$11,178.72.

Commissioner Oban moved to award the bid to Acme Tools in the amount of \$10,994. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

17. The Commission considered the request from the Bismarck Event Center to award the bid to Stein's Inc. in the amount of \$1,656 for two Windsor Vacuums.

Commissioner Oban moved to award the bid to Stein's Inc. in the amount of \$1,656. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

At 7:40 p.m. Commissioner Marquardt moved to enter into Executive Session under NDCC Section 44-04-19.2 regarding contract negotiation/negotiation strategy under NDCC Section 44-04-19.1 (9) for the following item: to consider selling City of Bismarck-owned property. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

At 8:19 p.m. Commissioner Marquardt moved to exit executive session and reconvene the regular city commission meeting. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Guy moved to approve City Staff negotiate with the purchaser on a counter offer as discussed in executive session. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

Other business: Commission President Bakken asked the Commission about implementing the Pledge of Allegiance at the beginning of each regular city commission meeting.

Commissioner Marquardt moved to approve placing the Pledge of Allegiance on the regular city commission meeting agenda after the invocation. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye/ M/C

Having completed the items on the agenda, the meeting was declared adjourned at 8:30 p.m.