



## MEETING OF THE BOARD OF CITY COMMISSIONERS

1/11/2022 - Minutes

### FUTURE COMMISSION MEETINGS:

- January 25, 2022
- February 8, 2022 & February 22, 2022
- March 8, 2022 & March 22, 2022

### MISSION STATEMENT

The mission statement was read by Mayor Bakken.

### MEETING OF THE BOARD OF CITY COMMISSION

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

There was no public present for comment.

### 2. CONSENT AGENDA

Commissioner Guy made a motion to approve the consent agenda as presented, Commissioner Splonskowski seconded. Upon roll call, all voted aye. M/C

- A. Consider approval of minutes.
- B. Consider approval of expenditures.
- C. Consider approval of personnel actions.
- D. Consider the request for approval from the Administration Department for the following:
  1. City Commissioner portfolio presentation schedule.
  2. Bismarck Local Foods Coordinator Agreement.
- E. Consider the request for approval from the Airport for the following:
  1. Sponsorship of \$1500 to the North Dakota Aviation Association (NDAA) for the 2022 Fly-ND Conference and Expo.
- F. Consider the request for approval from the Community Development Department for the following:

1. Request to amend the existing City of Bismarck and Burleigh County Extraterritorial Agreement to modify a portion of the existing boundary associated with the agreement.
2. Request of Debra Orley to release a non-access line described as the North 35 feet of South 60 feet along the West side, adjacent to Downing Street, and the East 35 feet of the West 60 feet along the South side, adjacent to West Glenwood Drive, of Lot 3, Block 2, Southbay Fifth Addition.
3. Request of Dennis Senger to release a utility easement described as the East 55 feet of the West 127 feet of the 10-foot utility easement on Lot 21, Block 1, Kilber Addition, adjacent to and parallel with the North line of Lot 14, Block 1, Kilber Addition.

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

1. Development Agreement with MNND Holdings, LLC.
2. North Dakota Department of Transportation (NDDOT) Preliminary Engineering Reimbursement Agreement for 9th Street Pavement Rehab Project HU-1-083 (140)900, PCN 23202; City Project HC 152.
3. Request for a resolution approving plans and specifications for Street Improvement District SI 556 and resolution directing the advertisement of bids and receive bids for Sewer Improvement District SE 580.
4. Request for a resolution approving plans and specifications and for resolution directing the advertisement of bids and receive bids for Street Improvement District SI 557.
5. Approval of resolution of necessity for Street Improvement District SI 559.
6. Request for resolution creating the district and order the preparation of the preliminary report and request for a resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 560.
7. Request for resolution creating the district and order the preparation of the preliminary report and request for resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 561.

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

1. Application for Abatement for the following where the Assessing Division recommends approval:
  - o 504 Sunset Pl (0350-001-110) - Gary & Judith Kurtz - Disabled Veteran (Years 2020 & 2021)
  - o 550 Brandon Pl Unit 201 (1205-001-531) - Walter & Delores Hensel - Wheelchair Exemption (Years 2020 & 2021)
  - o 1610 N 26th St (0588-008-005) - Niles Singer - Market Value Reduction (2021)
  - o 1400 Riverwood Dr (1256-001-340) - Daniel Privratsky & Melodee Grenz - Disabled Veteran (2021)
  - o 4725 Mellowsun Dr (1430-003-025) - Ryan Kraft - Disabled Veteran (2021)
  - o 4513 Marsh Hawk Dr (1446-002-030) - Alexis & Christian Schulz - Market Value Reduction (2021)
  - o 918 N 32nd St (0980-003-015) - Myron & Ileen Silvernagel - Disabled Veteran (2021)
  - o 3715 E Bismarck Expressway (1990-001-900) - LESSEE: Park District of the City of Bismarck - Property Exempt (2021)

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

1. Enter into the first option year of the Street Tree Pruning Contract with Beaver Creek Tree Service for 2022.
2. Change Order 3 to the agreement with Northern Improvement Company for the solid waste management facility cell 1 expansion project.
3. Notification of an emergency purchase per City Ordinance 07-01-04 #3 of a traffic signal controller cabinet due to it being destroyed in a traffic accident at Century Ave and 11th Street N.
4. Permission to purchase Motorola portable and mobile radios under the State of North Dakota bid contract for the 2022 budget year.
5. Permission to purchase oil for City vehicles and equipment under the State of North Dakota bid contract for the 2022 budget year.
6. Permission to purchase tires for City vehicles and equipment under the State of North Dakota bid contract for the 2022 budget year.
7. Request to sole-source the purchase of deicer agricultural-based liquid (Beet Heat) for snow-fighting activities for the City of Bismarck for the 2022 budget year.

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

1. Request for Engineering Services Agreement with HDR Engineering, Inc. for the Wastewater Treatment Plant H2S Control Project.

### 3. REGULAR AGENDA

4. Receive Snow Removal Equipment Building Concept Study at the Bismarck Airport.

The commission received a presentation from Jeff Ubl, with Übl Design Group, P.C. regarding the snow removal equipment building concept study.

Tim Thorson with the Bismarck Airport also provided the commissioners with information regarding the study and requested permission to move forward.

Commissioner Zenker made a motion to move forward as presented, Commissioner Splonskowski seconded. Upon roll call, all voted aye. M/C

5. Public hearing on Ordinance 6494, a request for the annexation of Lots 18-27 and 29-32, Block 1; Lots 2-8, Block 4; and Lots 8-10, Block 8, Clear Sky Addition and a portion of Holmes Drive adjacent to Lot 8, Block 4 and Lots 8-10, Block 8, Clear Sky Addition, requested by FRF Investments, LLP.

No member of the public appeared for comment.

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

6. Consider the request from the Community Development Department for the South Meadows Third Addition submitted by Investcore, Inc.

1. Public hearing on Ordinance 6495, a request for the annexation of Lot 1, Block 1,

Burleigh Avenue Addition.

2. Public hearing on Ordinance 6496, a request for a zoning change from the R10-Residential and RR-Residential zoning districts to the R10-Residential zoning district South Meadows Third Addition.

No member of the public appeared for comment.

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

7. Consider the application of abatement for BHI Hospitality LLC at 3903 State St. for 2020 and 2021.

Allison Jensen, Bismarck City Assessor provided the commission with information regarding the application for abatement at 3903 State Street.

The Assessing Division recommends a reduction of the 2020 certified value to: Land \$1,205,300, Improvement \$4,702,000, Total \$5,907,300 and recommends denial of and no change to 2021 certified value: Land \$1,227,500, Improvement \$3,464,200, Total \$4,691,700.

Commissioner Marquardt moved to approve the recommendation as presented by staff. Commissioner Splonskowski seconded the motion. Upon a roll call vote, all voted aye. M/C

8. Consider the application of abatement for Peterson Hospitality LLC at 1421 Skyline Blvd for 2019, 2020, and 2021.

Allison Jensen, Bismarck City Assessor provided the commission with information regarding the application for abatement at 1421 Skyline Blvd.

The Assessing Division recommends denial and no change to the 2019 certified value: Land \$893,900, Improvement \$3,505,600, Total \$4,345,500, denial and no change to the 2020 certified value: Land \$839,900, Improvement \$3,505,600, Total \$4,345,500, and recommends denial of and no change to the 2021 certified value: Land \$840,000, Improvement \$2,415,600, Total \$3,255,600.

Commissioner Splonskowski moved to approve the recommendation as presented by staff. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

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

Commissioner Marquardt moved to approve the Memorandum of Understanding with Bird Rides, Inc. to operate stand-up electric scooter sharing within the City of Bismarck right of way set to expire, December 31, 2022. Commissioner Splonskowski seconded the motion. Upon a roll call vote, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/39615/ENG---Bird-Scoters---Item-9>

10. Request Concurrence for Staff to Amend the City of Bismarck Code of Ordinances Title 14 Zoning Allowing for Data Centers.

Community Development Director Ehreth was seeking direction to pursue an amendment to

Title 14 of the Bismarck Code of Ordinances to allow for data centers as principal uses, within specified zoning designations. There was a brief discussion and questions specific to the types of data centers were asked by the commissioners.

Commissioner Zenker motioned to move forward with drafting ordinance language for data centers as an allowable land use in select zoning districts. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

11. Discussion on Utility Operations project needs, funding approach, and timing.

Commissioner Marquardt provided a presentation highlighting the long-range improvements and maintenance projects within the Public Works Utility Operations Department. The overall project needs for Public Works Utility Operations totals \$193,000,000 over the next ten years. City of Bismarck water utility operations consists of the following areas: water treatment, water distribution, customer service, sanitary sewer system, wastewater treatment, and stormwater management. These areas have aging infrastructure that needs upgrades or replacements to continue providing services to Bismarck's citizens and businesses.

The City of Bismarck's Water Treatment Plant was built in 1924 and still contains some original infrastructure in place today. Projects will replace and improve piping, pumping, and treatment capacity that are essential in the water treatment process. This is some of the oldest infrastructure located in the water treatment plant, originally installed in 1924. Replacement of this piping will improve the efficiency and reliability of the treatment process.

The City's Wastewater plant treats an average of more than 6.5 million gallons of wastewater daily. The treated water is discharged back to the Missouri River. The plant has a capacity of 9.3 million gallons per day and has a staff of 15.

The City's stormwater system collects surface and subsurface drainage and carries it to the Missouri River and its tributaries that flow through the community. The man-made portion of this system is made up of over 90 miles of pipe and culverts and over four miles of open channels. Detention ponds are located at strategic locations throughout the system and help prevent flooding by holding back high flows during large runoff events.

Commissioner Marquardt indicated a desire to initiate a utility rate study in 2022. He also stated that this will be a reoccurring topic at future meetings.

Commissioner Zenker remarked that whatever changes are made impact all commercial businesses, schools, and homeowners. He expressed interest in the breakdown of rates and production costs of drinking water. He remarked that he is interested in refining an approach to how water rates are established. Commissioner Zenker requested that the Finance Director provide a report of the current debt and bonding associated with Public Works Utility Operations. Finance Director Chernyak indicated that all loans have been examined for opportunities to refinance. In addition, he stated that some bonds are set to expire in the near future, which would provide an opportunity for new loans or bonding to support the projects.

Commissioner Zenker requested a list of projects that have been submitted to the State for funding assistance. He expressed a desire to have the sewer averaging for commercial accounts reviewed.

Commissioner Splonskowski indicated a desire for this information to be shared with the

commissioners at an upcoming meeting.

The commission received the report.

<https://arcg.is/9TqCa1>

#### Other Business

Mayor Bakken informed the commission he had received a request for a letter of support from Bismarck State College for EDA Good Jobs Challenge grant. The project recognizes the in-demand workforce needed by regional industries and it proposes to increase job growth and create new opportunities throughout the region.

Commissioner Zenker made a motion to approve the letter of support for the BSC program development. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

#### Adjourn

There being no further business, the meeting adjourned at 7:11 PM.

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