



## MEETING OF THE BOARD OF CITY COMMISSIONERS

4/13/2021 - Minutes

### Future Commission Meetings:

April 27, 2021  
May 11 & 25, 2021  
June 8 & 22, 2021

### MISSION STATEMENT

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

### MEETING WITH THE BOARD OF EQUALIZATION

1. Call to order
2. Annual Report
3. Public hearing on the City's Annual Assessment.
4. Adjourn.

City Assessor Allison Jensen, presented the annual report for the Board of Equalization. The report summarized the assessing roll in 2021, and reviewed 2020 real estate value and appraisal activity within the City.

Public Comment: Several people appeared to dispute their assessments. This included: Susan Bahmiller, Cheryl Fenster, Jeff Herman and Bob Tescher.

In response to those who were in attendance, Assessor Jensen informed the Commission the Assessing Division would be contacting each individual that spoke at the meeting and would be scheduling another assessment with them. Assessor Jensen also stated for the record that there is no guarantee that if a property's value went up through the assessment process, that the owner's property tax will too, and that a property owner has the ability to request a review through the abatement process.

Commissioner Marquardt moved to approve the report and all recommendations on assessments as presented. Commissioner Guy seconded the motion.

Upon a roll call vote, all voted aye. M/C.

Assessor Jensen then the list of appeals. Please use the link to view these: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/6218?fileID=14618>

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

The Board of Equalization adjourned at 5:46 p.m.

## MEETING OF THE BOARD OF CITY COMMISSION

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

No member of the public appeared for comment.

2. Consider the approval of the minutes.

Commissioner Zenker moved to approve the minutes as presented. Commissioner Guy seconded the motion.

Upon a roll call vote, all voted aye. M/C.

3. CONSENT AGENDA

Commissioner Marquardt moved to approve the consent agenda as presented. Commissioner Guy seconded the motion.

Upon a roll call vote, all voted aye. M/C.

- A. Consider approval of expenditures.

Vouchers: 1097821-1098070.

- B. Consider approval of personnel actions.

Human Resources provided a correction to the attached personnel actions. Brian Huber's hourly wage should be corrected to \$27.62.

- C. Consider the request for approval from the Administration Department for the following:

1. Approve a new gaming site authorization for the Cystic Fibrosis Association, at Shelter Belt, 307 N. 3rd St.
2. Approve a new gaming site authorization for RMEF Mindak, Inc., at Lady J's Catering & Decor Inc., 930 N. Griffin St.
3. Approve a new gaming site authorization for Bismarck Cancer Center Foundation, at Sixteen 03 Main Events, 1603 E. Main Ave.
4. Introduction of and call for a public hearing on a new Class U Domestic Distillery Liquor License for Big Dog Beverages, LLC. (dba) Big Dog Beverages, 307 S. 3rd St.
5. Introduction of and call for a public hearing on a new Class U Domestic Distillery Liquor License for Bismarck Distillery, LLC (dba) Bismarck Distillery, 1100 Canada Ave.
6. Provide a letter of support/certification to GLS Properties, LLC/MetroPlains for a transfer of use agreement from Holiday Village Apartments in Devils Lake to Breton Heights Apartments in Bismarck.

- D. Consider the request for approval from the Attorney for the following:

- 1. Approve the grant application and agreement with Azimuth World Foundation for the Blue Zone Project. - This item has been pulled from the agenda at this time.**
- 2. Introduction of and call for a public hearing on Ordinance 6459, regarding motorized scooters.**
- 3. Ratify the January 5, 2021 State of Emergency Declaration, relating to COVID-19 by the President of the City Commission and extend its effect to May 5, 2021.**

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

1. Approve Bis-Man Transit to apply for the Otto Bremer Grant.
2. Approve Bis-Man Transit to purchase a new engine for the Fixed Route Bus #1501.
3. Approve the request of Alexander Kunz to release the 14-foot utility easement within Lot 7, Block 5, Grande Prairie Estates Third Subdivision. Staff recommends approval.
4. Approve the updated Designation of Signature Authority, the accompanying Resolution and the assigning of Kim Riepl as a User Manager in TrAMS.
5. Introduction of and call for a public hearing on Ordinance 6457, a request for the annexation of part of Clear Sky Addition, requested by FRF Investments, LLP. the Bismarck Planning and Zoning Commission recommends approval.
6. Introduction of and call for a public hearing on Ordinance 6458, a request for the annexation of First Responders Second Addition.

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

1. Award bid for Highway Construction Project HC 139 to Northern Improvement Company.
2. Award bid for Highway Construction Project HC 140 to Zimmerman Contracting, Inc.
3. Award bid for Water Utility Project WU 136 to Basaraba Excavating & Dirt Works, LLC.
4. Construction of sidewalk, curb and gutter and driveways for 2021 - Request for resolution receiving bids. Request for resolution awarding contracts for Parts A-1, A-2, B-1 and B-2.
5. Park Improvement District No. 004 - Request for resolution, receiving bids and ordering preparation of the Engineer's Statement. Request for resolution awarding contract.
6. Park Improvement District No. 005 - Request for resolution, approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
7. Park Improvement District No. 006 - Request for resolution, approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
8. Sewer Improvement District SE 579 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SE 579 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.
9. Street Improvement District No. 541 Part A - Request for resolution receiving bids and ordering preparation of the Engineer's Statement. Request for resolution awarding contract.
10. Street Improvement District No. 541 Part B - Request for resolution receiving

bids and ordering preparation of the Engineer's Statement. Request for resolution awarding contract.

11 Street Improvement District No. 542 - Request for resolution receiving bids and ordering preparation of the Engineer's Statement. Request for resolution awarding contract.

12 Street Improvement District No. 543 - Request to hear insufficiency of protests on resolution of necessity.

13 Street Improvement District No. 545 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 545 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.

14 Street Improvement District No. 546 - Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.

15 Street Improvement District No. 547 - Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.

16 Street Improvement District No. 548 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 548 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.

17 Street Improvement District No. 549 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 549 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.

18 Street Improvement District No. 551 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 551 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.

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

1. Application for abatement at 1702 Wichita Dr. for James & Marilyn Geiger, Disabled Veteran.
2. Application for abatement at 3494 Montreal St. for Maria Weber, Disabled Veteran.

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

1. Accept a donation from the Bismarck Larks/Dakota Community Bank from proceeds obtained during the 4th of July Jersey sale at the Bismarck Larks game.

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

1. Approve Burleigh County Highway Department's request to donate clay material from the Landfill to assist with County road improvements.
2. Approve residential solid waste collection to be provided by a commercial waste hauler at The Grove, located at 506 N. 2nd St. and 202 E. Ave. A.
3. Award bid to Aramark for Public Works uniform rental services.
4. Grant permission to purchase a trailer-mounted wood chipper for Forestry operations.
5. Grant permission to sell a surplus of inventory at the annual City Auction.

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

for the following:

1. Approve the three-year contracts with AE2S, Apex Engineering Group, Inc., Bartlett & West, HDR Engineering, Inc., and Houston Engineering, Inc., for operation and maintenance activities.

4. REGULAR AGENDA

5. Consider the request from the Finance Department to deny an application for abatement at 1052 N. 29th St. for John Hruby, for a refund for the penalty on property taxes.

Commissioner Zenker moved to deny the request for a refund. Commissioner Marquardt seconded the motion.

Upon a roll call vote, all voted aye. M/C.

6. Consider the request from the Community Development Department for the minor subdivision final plat of Missouri Meadows Subdivision, requested by Bradley King.

Commissioner Guy moved to approve the request as presented. Commissioner Zenker seconded the motion.

Upon a roll call vote, all voted aye. M/C.

7. Consider the request from the Community Development Department for the minor subdivision final plat of The Ridge at Hawktree Second Replat, requested by JE Homes, LLC, 1806 Development Group, LLC and Burnt Creek Group, LLC.

Commissioner Marquardt moved to approve the request as presented. Commissioner Zenker seconded the motion.

Upon a roll call vote, all voted aye. M/C.

8. Receive a presentation on the Community Development Activities Tool.

Community Development Planner Daniel Narin provided the presentation on the Activities Map. He explained the map is another online tool for the general public to develop a better understanding of the department's projects. The site displays the projects in review or those that have been recently approved by the Commission. Public hearings, recently approved building permits and site plans associated with these projects are also included.

No motion was made for this item.

9. Consider the request from the Engineering Department to award bids for the Intersection Improvement Safety Project - HC 127.

Commissioner Zenker moved to approve the low bid from TI-Zack Concrete Inc. for \$270,496.60. Commissioner Guy seconded the motion.

Upon a roll call vote, all voted aye. M/C.

Bids will move on to the NDDOT for review.

10. Consider the request from the Engineering Department to receive bids and award contract for the Streetlights and Traffic Signal Project SV 60.

Commissioner Zenker moved to award the low bid for the project to Edling Electric for \$187,800.00 Commissioner Marquardt seconded the motion.

Upon a roll call vote, all voted aye. M/C.

11. Review and discuss the 2021 Legislative Report #5.

This is the 14<sup>th</sup> week of the Legislature and the Senate is currently reviewing bills. City Administrator Keith Hunke presented the report. Here are the highlights from his presentation:

HB 1183: The bill relating to requiring public health units to adopt the technical guide for onsite wastewater recycling treatment and establishing the onsite wastewater recycling technical committee, and to provide an expiration date, passed the Senate and will return to the House.

HB 1212: The bill relating to the creation of a charitable gaming operating funds by possibly reducing the State revenue used by PD, legal, administration through the application process, passed the house and was introduced to the Senate 3/16. There was a committee hearing for the bill on 3/25.

HB 1419: The bill relating to the Street Utility Fee by allowing the collection of an infrastructure fee was passed both the House and Senate.

HB 1431: The bill relating to bonded debt repayments, passed the House and was introduced to the Senate on 3/29.

Bills that were approved by both the House and Senate will go to the governor for final approval.

12. Receive the financing plan for the new Police Department and Public Health facilities.

Director Chernyak provided a short presentation where he stated his concerns with waiting to move forward on finding new locations for both departments, including inflation, bond rates and losing the location the City is currently renting for Public Health.

Budget Committee Representative Commissioner Marquardt requested some parameters before moving the plan to Budget Committee. Attorney Combs also requested direction on purchasing property for the facilities.

Commissioner Guy stated both the Budget Committee and Attorney Combs should proceed by taking these three scenarios into account:

1. Pause moving the Police Department and focus on finding a space for Public Health only.
2. Move forward with finding spaces for both the Public Health and Police Department facilities, by purchasing a property for the Police Department and then doing the design phase prior to the election in 2022.

3. Assess the City's existing building maintenance requests and projects before moving forward.

No motion was made for this item, but both the City Attorney and Budget Committee will re-evaluate the options based on these guidelines and present their findings to the Board at a later meeting.

13. Consider the request from the Engineering Department to enter into an Executive Session under North Dakota Century Code (NDCC) Section 44-04-19.1(9).

At 6:53 p.m. Commissioner Marquardt moved to enter into executive session. Commissioner Zenker seconded the motion.

Upon a roll call vote, all voted aye. M/C.

At 7:18 p.m. Commissioner Marquardt moved to exist the executive session and re-enter regular session. Commissioner Zenker seconded the motion.

Upon a roll call vote, all voted aye. M/C.

Commissioner Guy then motioned to provide direction with the consensus reached in the executive session. Commissioner Marquardt seconded the motion.

Upon a roll call vote, all voted aye. M/C.

14. Consider the request from the Attorney to enter into an Executive Session under NDCC Section 44-04-19.1(9).

At 7:21 p.m. Commissioner Marquardt moved to re-enter the executive session. Commissioner Zenker seconded the motion.

Upon a roll call vote, all voted aye. M/C.

At 8:05 p.m. the board adjourned from executive session.

Upon a roll call vote, all voted aye. M/C.

#### Other Business

Commissioner Zenker requested Engineer Schell explain an opportunity for the City to solicit funding for infrastructure projects through an infrastructure bill, which is currently being reviewed by the federal government. He listed two main projects the Engineering Department and Metropolitan Planning Organization identified to submit. These included improvements to sections of 43rd Ave. and the interchange system at the intersection of 66th St. and I94.

No motion was made, but the Commission supported Engineer Schell in submitting the projects.

#### Adjourn

The meeting was adjourned at 8:06 p.m.

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