



## MEETING OF THE BOARD OF CITY COMMISSIONERS

6/8/2021 - Minutes

### FUTURE COMMISSION MEETINGS:

### MISSION STATEMENT

### MEETING OF THE BOARD OF CITY COMMISSION

1. Presentation by AARP on acceptance of the City of Bismarck into the Network of Age Friendly Communities

Presentation from State AARP Director Josh Askvig. Mr. Askvig congratulated the City of Bismarck on becoming the first community in ND to join the Network of Age Friendly Communities. The program recognizes communities who are committed to making their places more livable and able to support persons of all ages. As part of the plan development a random sample of homes within the community and the extraterritorial area will be receiving a postcard to participate in a survey about the future of Bismarck.

2. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items).  
No public comment was received.

3. CONSENT AGENDA

Commissioner Marquardt made a motion to approve the minutes as presented and the consent agenda without item F2 (Ordinance 6467). Commissioner Zenker seconded the motion.

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

Commissioner Marquardt expressed concerns relating to farm animals in city limits, including enforcement, financial impacts to the animal control section of the Police Department, animal waste disposal and contamination. Commissioner Splonskowski stated other communities have had minimal problems with chickens, and encouraged other commissioners to call for a public hearing. Commissioner Guy noted she has concerns that there are existing repairs needed at the animal impound facility. She also stated she was supportive of public hearing as Planning and Zoning Commission recommended approval. Mayor Bakken noted concerns relating to the potential conflict between hunting dogs and urban chickens.

Commissioner Marquardt made a motion to deny the request for a public hearing and a zoning ordinance text amendment as recommended by the Planning and Zoning Commission. Commissioner Zenker seconded the motion.

Upon roll call vote, Commissioners Guy, Marquardt, Zenker, and Mayor Bakken voted aye, Commissioner Splonskowski voted nay. M/C

- A. Consider approval of minutes.
- B. Consider approval of expenditures.  
Vouchers 1098730 - 1098928
- C. Consider approval of personnel actions.
- D. Consider the request for approval from the Administration Department for the following:
  1. Approve gaming site authorization renewal for Bismarck Cancer Foundation at:
    - o Bismarck Municipal Ballpark – 303 West Front Avenue
    - o Bismarck Cancer Center – 500 North 8th Street
  2. Approve gaming site authorization renewal for Bismarck Mandan Elks Lodge 1199 at:
    - o Bismarck Mandan Lodge No. 1199 Benevolent and Protective Order of Elks of the USA – 900 South Washington Street.
  3. Approve gaming site authorization renewal for Gilbert S. Furness Post 40 – American Legion Mandan at:
    - o Sixteen03 Main Events - 1603 East Main Avenue
  4. Approve gaming site authorization renewal for North Dakota Association for the Disabled, Inc. at:
    - o Pub 21 – 1014 South 12th Street
  5. Approve renewal of liquor licenses from August 1, 2021 to July 31, 2022.
    - o Jet Enterprises (dba) Amici Pizza Company – 3001 Yorktown Drive #6
    - o R.I. of Bismarck Opco, LLC (dba) Bismarck Residence Inn – 3421 North 14th Street
    - o Coborn's Incorporated (dba) Captain Jack's Liquor #7046 – 808 South 2nd Street
    - o Coborn's Incorporated (dba) Captain Jack's Liquor #7047 – 3131 Weiss Avenue
    - o Coborn's Incorporated (dba) Captain Jack's Liquor #7048 – 1140 West Turnpike Avenue
    - o Coborn's Incorporated (dba) CashWise Liquor – 1144 Bismarck Expressway
    - o Coborn's Incorporated (dba) CashWise Liquor #3051 – 900 NE 43rd Avenue
    - o Prairie Pasta Inc. (dba) Johnny Carino's – 1601 West Century Avenue
    - o Mini Mart, Inc. (dba) Loaf 'N Jug #685 – 2835 North Washington Street
    - o RARE Hospitality Management, Inc. (dba) LongHorn Steakhouse #5557 – 1071 East Interstate Avenue
    - o TBT, Inc. (dba) Midway Tavern – 1915 East Sweet Avenue
    - o Obrian's Inc. (dba) Obrian's Tavern – 1059 East Interstate Avenue
    - o Doublewood of Bismarck, Inc. (dba) Ramada Bismarck Hotel – 1400 East Interchange Avenue
    - o Runto Asian Cuisine, Inc. (dba) Shogun Japanese Steakhouse – 2700 State Street
    - o Sickies ND, Inc. (dba) Sickies Garage – 3130 North 14th Street

- Tap in Tavern – 601 Memorial Highway
- GMRI, Inc. (dba) The Olive Garden Italian Restaurant #1787 – 3400 North 14th Street

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

1. Approve the Engineering Services Agreement with KLJ for HABS/HAER documentation of Hangar 5.
2. Approve a lease agreement with Chad Wachter, Investcore, Inc., for equipment and vehicle parking.

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

1. Introduction of and call for a public hearing on Ordinance 6466, a request for the annexation of Lots 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat, requested by Five Guys Investment, LLP.
2. Introduction of and call for a public hearing on Ordinance 6467, a Planning and Zoning Commission initiated zoning ordinance text amendment relating to the keeping of chickens.
3. RBK Ventures Second Subdivision, requested by RBK Ventures, LLC
  - Introduction of and call for a public hearing on Ordinance 6468, a request for a zoning change from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district. The Bismarck Planning and Zoning Commission recommends approval.
4. Approve Bis-Man Transit to purchase two (2) 29-foot Gillig heavy duty fixed-route buses.
5. Approve Bis-Man Transit to purchase a 2022 Ford F350 service truck.

G. Consider the request for approval from Bismarck-Burleigh Public Health for the following:

1. Grant permission to accept federal funding for the Immunization & Health Equity Initiative.

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

1. Approval of geotechnical testing services contract with Terracon Consultants, Inc. relating to 2021 Geotechnical Services.
2. Approval of dedication and acceptance of a temporary access easement in Lot 4, Block 5, Cottonwood Parkview Addition.
3. Street Improvement District SI 552
  - Resolution Approving Plans and Specifications.
  - Resolution Directing the Advertisement of Bids and Receive Bids.
4. Street Improvement District SI 553
  1. Resolution Approving Plans and Specifications.
  2. Resolution Directing the Advertisement of Bids and Receive Bids.
5. Acceptance of North Dakota Department of Transportation (NDDOT) Transportation Alternatives (TA) funding for Bismarck Expressway Sidewalk Project.

6. Approval of Water Main Easement at 722 Airport Road from Craig Gierke of Bisman Remodel Pros, LLC.

I. Consider the request for approval from the Fire Department for the following:

1. Approval to purchase an Aerial Platform Fire Apparatus.

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

1. Allow BPD to utilize 2021 one-time funding for training and award the contract to Savage Training Group.

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

1. Award the bid for the Fire Station 1 boiler replacement project.  
2. Award the bid for the Bismarck Veterans Memorial Public Library siding and window replacement project.

#### 4. REGULAR AGENDA

5. Receive an update from Kate Herzog of the Downtowners regarding Downtown Bismarck Development, policy, and future development.

Kate Herzog of the Bismarck Downtowners Association provided an update to the Commission on new developments occurring in downtown, particularly the focus on new housing development. See link for full presentation.

<https://bismarcknd.gov/DocumentCenter/View/37906/Road-Show-2021-City>

6. Public hearing on a new Class I-2 Restaurant Beer and Wine alcohol license for Cracker Barrel Old Country Store #447.

Commissioner Zenker made a motion to approve, Commissioner Splonskowski seconded the motion.

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

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

Nathan Schneider with the Bismarck-Mandan Chamber EDC provided an overview of the application for a Flex PACE program interest buydown for CK Properties, LLC. The Vision Fund Committee supported the full application and recommended structuring the funding of the Flex PACE interest buydown as a loan. The Lewis & Clark Development Group can provide the loan servicing administration required for this request. A loan servicing fee of 1% will be paid to Lewis & Clark Development Group by CK Properties, LLC. A loan interest charge of 1% will be paid back to the Vision Fund by CK Properties, LLC. The Vision Fund Committee approved moving the request to the city Commission for consideration and final approval. The amount requested from the Vision Fund is \$105,698.24.

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

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

8. Receive presentation on proposed Interstate 94 Exit 161 reconstruction and provide recommendations to NDDOT on preferred alternative(s).

Gabe Schell presented a series of options provided by the NDDOT for design alternatives to the Exit 161 interchange. The general consensus amongst the Commissioners was that full access for Miriam Ave and the maintaining access for all businesses along the roadway. No action was taken but the Commission stated that no alternative is acceptable provided that full access at Miriam Ave is not maintained. Mr. Schell stated that he will take their remarks to the NDDOT. <https://bismarcknd.gov/DocumentCenter/View/37928/Exit-161-Presentation>

9. Consider the request for resolution from the Engineering Department for the following:

City Engineer Schell presented bids for SI 546. The low bid was submitted by Strata Corp. at \$358,103.99.

Commissioner Zenker made a motion to accept bid and award contract for SI 546, Commissioner Splonskowski seconded.

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

<https://bismarcknd.gov/DocumentCenter/View/37908/9-bid-summary-and-project-budget---210608---SI546>

10. Consider the request for resolution from the Engineering Department for the following:

City Engineer Schell presented bids for SI 547. The low bid was submitted by Northern Improvement at \$1,912,702.95.

Commissioner Marquardt made a motion to accept bid and award contract for SI 547, Commissioner Zenker seconded.

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

<https://bismarcknd.gov/DocumentCenter/View/37909/10-bid-summary-and-project-budget---210602---SI547>

11. Consider the request for resolution from the Engineering Department for the following:

City Engineer Schell presented bids for SI 548. The low bid was submitted by Strata Corp. at \$414,743.31.

Commissioner Zenker made a motion to accept bid and award contract for SI 548, Commissioner Splonskowski seconded.

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

<https://bismarcknd.gov/DocumentCenter/View/37910/11-bid-summary-and-project-budget---210608---SI548>

12. Consider the request for resolution from the Engineering Department for the following:

City Engineer Schell presented bids for SI 549. The low bid was submitted by Strata Corp. at \$867,385.12.

Commissioner Zenker made a motion to accept bid and award contract for SI 549, Commissioner Guy seconded.

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

<https://bismarcknd.gov/DocumentCenter/View/37911/12-bid-summary-and-project-budget---210608---SI549>

13. Consider the request from the Engineering Department to receive bids and award contract for Streetlight and Traffic Signal Utility Project SV 59.

City Engineer Schell presented bids for Streetlight and Traffic Signal Utility Project SV 59. The low bid was submitted by Edling Electric at \$95,800.00.

Commissioner Marquardt made a motion to accept bid and award contract for Streetlight and Traffic Signal Utility Project SV 59, Commissioner Splonskowski seconded.

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

14. **Discussion for financing options of Public Health building/site and other space needs.**

Finance Director Dmitriy Chernyak provided an update on options for Public Health facility. The options were provided in the original space needs report from Leo A. Daly. No action was taken by the Commission.

<https://bismarcknd.gov/DocumentCenter/View/37912/FIN---Public-Health>

15. 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 7:50 p.m. Commissioner Marquardt moved to enter the executive session. Commissioner Guy seconded the motion.

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

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

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

At 8:10 p.m. Commissioner Marquardt moved to enter the executive session. Commissioner Zenker seconded the motion.

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

At 8:25 p.m. the board adjourned from executive session

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

At 8:30 p.m. Commissioner Guy moved to enter the executive session. Commissioner Splonskowski seconded the motion.

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

At 9:10 p.m. the board adjourned from executive session

#### Other Business

Mayor Bakken requested information on the annual maintenance on the existing bike lanes in the community. City staff indicated that this will be provided in the future.

Adjourn

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