



## MEETING OF THE BOARD OF CITY COMMISSIONERS

6/14/2022 - Minutes

### Call to Order

The Board of City Commissioners met in regular session on June 14, 2022, at the hour of 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioners present included: Commissioner Guy, Commissioner Marquardt, Commissioner Splonskowski, Commissioner Zenker, and Mayor Bakken.

### FUTURE COMMISSION MEETINGS:

- June 28, 2022
- July 12, 2022 & July 26, 2022
- August 9, 2022 & August 23, 2022

### MISSION STATEMENT

Mayor Bakken read the mission statement.

### MEETING OF THE BOARD OF CITY COMMISSION

#### 1. Presentation of the 2021 Humanitarian Award

Members of the Bismarck Human Relations Committee presented the 2021 Humanitarian Award to the Bismarck Veterans Memorial Public Library.

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

No comment was received.

#### 3. CONSENT AGENDA

Commissioner Marquardt motioned to approve as presented, Commissioner Guy seconded.

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

- A. Consider approval of minutes
- B. Consider approval of personnel actions

C. Consider approval of expenditures

Vouchers: 1104688 to 1105037.

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

1. Approve gaming site application for the following:

- Aggie Foundation
  - Bruno's Pizza – 910 East Front Avenue
- Bismarck Gymnastics Academy
  - Bismarck Municipal Ballpark – 303 West Front Avenue
- Dakota Pheasants Forever
  - Bismarck Hotel & Conference Center – 800 South 3rd Street
  - Bismarck Municipal Ballpark – 303 West Front Avenue
- Lloyd Spetz American Legion Post 1
  - On the Run#80150 – 2205 Tyler Parkway
- St. Alexius Medical Center
  - Bismarck Event Center – 315 South 5th Street
  - CHI St. Alexius Health Bismarck – 900 East Broadway Avenue
  - Scheels – 800 Kirkwood Mall
- Veterans of Foreign Wars Gilbert N. Nelson Post #1326
  - Pitorro Restaurant & Bar – 1235 South 12th Street

2. Consider the approval of the following liquor license renewals:

- 40 Steak & Seafood – 1401 Interchange Avenue
- Bismarck HuHot Mongolian Grill – 409 South 3rd Street
- Bistro 1100, Inc. – 1103 East Front Avenue
- Blarney Stone Pub – 408 East Main Avenue
- China Star – 1065 East Interstate Avenue
- Costco Wholesale #1380 – 1325 NE 57th Avenue
- Eat Thai Café LLC – 409 Riverwood Drive
- Elbow Room – 115 South 5th Street
- Ground Round – 526 South 3rd Street
- Jack's Steakhouse & Seafood – 1201 South 12th Street
- Jimmy V's – 512 East Main Avenue
- Longhorn Steakhouse #5557 – 1071 East Interstate Avenue

- Obrian's Tavern – 1059 East Interstate Avenue
- Peacock Alley – 422 East Main Avenue
- Rock 'N 50s Café – 2700 State Street
- Sam's Club – 2821 Rock Island Place
- Tap In Tavern – 601 Memorial Highway
- Texas Roadhouse – 1505 Burnt Boat Drive
- The Olive Garden Italian Restaurant #1787 – 3400 North 14th Street
- The Walrus – 1136 North 3rd Street
- Tri-Energy CENEX – Centennial – 2520 Centennial Road
- Walmart #1534 – 2717 Rock Island Place
- Walmart #3648 – 1400 Skyline Boulevard
- Williquors – 3025 Yorktown Drive

3. USNS City of Bismarck Model & Bread of Life Church Stained Glass Window Restoration Project at Camp Hancock.

**4. Introduction of and call for a public hearing on a request for a new Class I3 Restaurant Beer Only Liquor License for Mars Restaurant Group, LLC (dba) Pancheros Mexican Grill.**

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

1. Receive and consider bids for Airfield Markings Painting and Removal.
2. Amendment 2 to the January 8, 2019, Agreement with Kadrmas, Lee, & Jackson (KLJ) for Taxiway C North Project.
3. Receive and consider bids for Runway 3 Safety Area Grading.

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

1. Permission to utilize ND State Contract for the purchase of office equipment.

G. Consider the request for approval from the Bismarck Veterans Memorial Public Library for the following:

1. Appointment of Justin Hughes to the Library Board of Trustees.

H. Consider the request for approval from the City Attorney for the following:

1. Approve retainer agreement with Moss & Barnett.
2. Approve settlement agreement regarding federal litigation.

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

1. Introduction of and call for a public hearing on Ordinance 6506, a zoning change from the A-Agriculture zoning district to the R5-Residential zoning district on Tract 24A and part of Tract 24B, Section 24, T139N-R81W/West Hay Creek Township.
2. Request of Dan Potter to release the 10-foot utility easement within Lot 6, Block 1, Potter Pointe Subdivision, from the plat of Potter Pointe Subdivision.
3. Request of CFT NV Developments, LLC to eliminate the potential opening in the continuous non-access line along Brookside Lane located on the north side of Lot 1, Block 1, Memory Third Addition.
4. Request of Jeanette and Paul McClennen to release the 10-foot utility easement adjacent to and parallel with the northeasterly boundary of Lot 1, Block 1, Heritage Ridge Addition, less the southeasterly 10-feet adjacent to Crested Butte Road right-of-way.
5. Material changes to the approved minor subdivision final plat of Shamrock Industrial Park First Replat.
6. Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, requests approval to apply for an FY22 5307 grant.
7. ~~Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, requests approval to decommission and dispose of miscellaneous equipment.~~
8. Consider approval of a substantial amendment to the 2021 Annual Action Plan for CDBG.

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

1. Acceptance of easements for City project HC-150, Bismarck Expressway Sidewalk.
2. Operations and Maintenance Plan for SE 563 Ponds.

K. 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:

- 1831 Santa Gertrudis Drive (0924-003-015) - Michael & Jo Kralicek - Deferred Maintenance
- 1727 Valley Drive (0936-001-020) - Nick W Lees - Wheelchair 2020-2021

2. Resolution Authorizing the Issuance and Sale of \$1,500,000 Water Treatment Revenue Bond, Series 2022.

L. Consider the request for approval from the Human Resources Department for the following:

1. Incentive Compensatory Time for Recruiting.

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

1. Change Order 4 to contract with Industrial Enterprises, Inc. for the Library Siding Project.
2. Request to dispose of/sell Public Works inventory at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05
3. Permission to purchase roll-off containers for Solid Waste operations.

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

1. Engineering Service Agreement with HDR Engineering, Inc. for the Wastewater Treatment Plant Flow Equalization (FEQ) and Reliability Improvements Project.
2. Approval of Limited Authorization to Proceed with Kraus-Anderson and approval of the Guaranteed Maximum Price for the Public Health Facility.

#### 4. REGULAR AGENDA

5. Public hearing on Ordinance 6501 to enact a new Bismarck ordinance for hate crimes.

City Attorney Janelle Combs addressed the commission regarding Ordinance 6501. She explained aspects of the ordinance and addressed questions that had been asked prior to the meeting.

The following people spoke in favor of the ordinance: Matthew Coen-Tuff with Missouri Valley Coalition for Homeless People, Murray Sagsveen, Olivia Data, Gabrielle Balf, Jonathan Frye with Dakota Outright, Melanie Heitkamp with Youth Works, Bill Patrie with Martin Luther King Jr. Foundation, Christy Wolf, Amy Ingersoll, Samael Mabrey, Geraldine Ambe, Reverend Gretchen Deeg, Kelly Gorz with High Plains Fair Housing Center, Zayden Bartosh with North Dakota Human Rights Coalition, Kim Wassim, Krisanna Peterson, Breanna Iron Road with Sacred Pipe Resource Center, Sargianna Wutzke with Community Options, Jason Grueneich with Bismarck Human Relations Committee, and Kate Herzog.

The following people spoke against the ordinance: Rick Becker, Joshua Ternes, Jessie Rude, John Frase, Dean Holzer, Jonathan Hooker, Vince Tweedy, SueAnne Olson, Chris Lagenfelder, Mike Carlson, Marvin Lepp, Vicki L Laraway, Angela Roller, Michael Berger, Steve Nagle, Heather Brostrom, Andrew Alexis Varvel, Mick Chamberland.

Commissioner Marquardt stated that he is not in favor of the ordinance as it is drafted. He believes the discussion needs to expand to include others in the community including the Bismarck Public School District.

Commissioner Splonskowski stated that he cannot support the ordinance and believed that the community would further be divided if the ordinance were to be approved.

Commissioner Zenker stated that he cannot support the ordinance as drafted and stated that the discussion needs to start at home with families and teach children how to respect others.

Commissioner Guy noted that 24 community organizations provided letters of support for the ordinance and she noted that in addition to an ordinance addressing hate crimes, outreach programs, and working with the faith community to help families address treating others humanely in the home would go a long way to strengthen the community.

Commissioner Splonskowski made a motion to deny the ordinance, Commissioner Zenker seconded.

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

<https://bismarcknd.gov/DocumentCenter/View/40682/Item-5-Attorney-Presentation-PDF>

<https://bismarcknd.gov/DocumentCenter/View/40683/Item-5-Public-Comment-PDF>

**6. Consider the request to receive an update regarding the elimination of green field/new development special assessments.**

City Administrator Keith Hunke provided an update regarding the elimination of green field / new development special assessments. Discussion followed.

The commission received the report.

**7. Consider the request to pursue NDDOT Transportation Alternatives Program Funding.**

City Engineer, Gabe Schell, requested the approval of pursuing NDDOT Transportation Alternatives (TA) funding for a multi-use trail along US 83/State Street from Calgary Avenue to 43rd Avenue and a sidewalk extension between Ingalls Avenue and Bowen Avenue.

Commissioner Splonskowski motioned to approve the request as presented. Commissioner Zenker seconded the motion.

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

**8. Consider the request for resolution receiving bids and ordering preparation of the Engineer's Statement and resolution awarding contract for Street Improvement District SI 565 and Sewer Improvement District SE 581.**

City Engineer, Gabe Schell, requested the approval of a resolution receiving bids and ordering the preparation of the Engineer's Statement and a resolution awarding the contract for projects SI 565 and SE 581.

Commissioner Zenker motioned to approve the low bid submitted by Strata Corporation in the amount of \$1,084,579.59. Commissioner Splonskowski seconded the motion.

Upon roll call, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/40684/Item-8-Supporting-Documents-PDF>

Other Business

Adjourn

There being no further business, the meeting adjourned at 8:53 PM.

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