



## MEETING OF THE BOARD OF CITY COMMISSIONERS

7/26/2022 - Minutes

### Call to Order

The Board of City Commissioners met in regular session on July 26, 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 Cleary, Commissioner Marquardt, Commissioner Splonskowski, Commissioner Zenker, and Mayor Schmitz.

### FUTURE COMMISSION MEETINGS:

- August 9, 2022 & August 23, 2022
- September 13, 2022 & September 27, 2022
- October 11, 2022 & October 25, 2022

### MISSION STATEMENT

Mayor Schmitz read the mission statement.

### MEETING OF THE BOARD OF CITY COMMISSION

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

John Weber addressed the Commission regarding Regular Agenda Item No. 12 in favor of a \$250,000 donation to the Missouri Slope United Way 24/7 shelter and to support ongoing operational costs be included in the 2023 City budget.

#### 1. CONSENT AGENDA

Commissioner Zenker motioned to approve as presented, and Commissioner Splonskowski 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: 1105558-1105833.

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

1. Capital Acres, Inc. letter of support.
2. Liquor license renewals.
3. Introduction of and call for a public hearing on a request for a new class I1 Restaurant Full Alcohol liquor license for Ja Bomb Inc. at 706 Kirkwood Mall.

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

1. Engineering Agreement with KLJ for the General Aviation (GA) Apron Phase 4 Project.
2. Sell or dispose of 1998 Ford F150 4x4 and 2001 Ford New Holland TS110 Tractor at a public marketplace commonly used for the sale of motor vehicles.

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

1. Introduction and call for a public hearing on Ordinance 6518 to amend the shoplifting ordinance for clarity.
2. Consider approving due diligence and closing date extensions for the Riverwalk Purchase Agreement.

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

1. Request of Jordan Ruff to release the West 40 feet of the 100-foot non-access line from McIntosh Avenue on the south side of Lot 9 and the North 40 feet of the 100-foot non-access line from Fuji Drive on the east side of Lot 9, Block 1, Apple Meadows Third Subdivision.
2. Material changes to the approved major subdivision final plat of Fairview Cemetery Addition.
3. Introduction of and call for a public hearing on Ordinance 6517, a request for a zoning change from the R10 – Residential and RM30 – Residential zoning districts to the PUD – Planned Unit Development zoning district, as outlined in the attached draft ordinance, for Meadow Village Addition First Replat requested by REI Holdings, LLC. The Planning & Zoning Commission recommends approval.
4. Request to delay action on the previously considered requests for annexation, Future Land Use Plan Amendment, zoning change, Fringe Area Road Master Plan Amendment, major subdivision final plat, Park Development Agreement, Private Drive and Utility Agreement, and Development Agreement for Paradise Valley Addition, until the August 9, 2022, meeting of the Board of City Commissioners.

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

1. Change Order No. 2 Time Extension to August 15, 2023, for Street Improvement District No. 545.
2. Consider request for resolution approving the preliminary report and directing the preparation of plans and specifications, resolution approving plans and

specifications, and resolution directing the advertisement of bids and receive bids for Street Improvement District SI 569.

**3. Consider the request for the North Dakota Department of Transportation (NDDOT) agreement and companion agreement with Northern Plains Heritage Foundation for the Grant Marsh Bridge Mural.**

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

1. Easement agreement with Central Power for placement of new outdoor warning siren.
2. Easement agreement with MDU for placement of new outdoor warning siren.

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

1. Amendment to the agreement with Houston Engineering Inc. for the construction management services for cell 1 composite liner and leachate management system.
2. Change Order 1 time extension with Pierce Lee Roofing, LLC for the Waste Water Treatment Plant roof replacement contract.
3. Sole source purchase of additional Centracs Mobility Licenses for 28 intersections for the Street Lights and Traffic Signals Division.

2. REGULAR AGENDA

**3. Receive request from Doug Jensen; Ed.D., President of Bismarck State College regarding new Polytechnic Facility.**

Doug Jensen; Ed. D., President of Bismarck State College, presented a request to the Commission to donate the property located at 1005 River Road to Bismarck State College to support the development of talent needed for workforce development and economic expansion in the City of Bismarck.

Commissioner Cleary motioned to table the request for the August 9, 2022, meeting and requested a draft contract for review and more information relating to the donation of City-owned property be presented, and Commissioner Zenker seconded the motion.

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

<https://bismarcknd.gov/DocumentCenter/View/40890/BSC-Polytechnic-Facility-Presentation-PDF>

4. Consider the request from the Event Center for Übl Design Group, P.C., to provide an update on the drawings for the arena locker room project.

Jeff Ubl with Übl Design Group, P.C., presented an update of the arena locker room project at the Bismarck Event Center. The approximately 15,000 SF building addition and renovation project is estimated to cost \$9.5 million. Funds to support the project will come from the lodging, liquor, and restaurant tax; no property tax dollars will go towards the project.

Renovations include additional locker rooms, restrooms, and concession areas. Event center staff recommends issuing a Request for Qualifications to accommodate long lead times and construction scheduling.

Commissioner Zenker motioned to direct staff to initiate a request for qualifications for a Construction Manager At-Risk as presented, and Commissioner Cleary seconded the motion.

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

<https://bismarcknd.gov/DocumentCenter/View/40892/Ubl-Design-Group-Event-Center-Update-PDF>

5. Consider the request of Balerud Rentals, LLC, DDB Rentals, LLC for the designation of 425 North 5th Street as a Rehabilitation Renaissance Zone project as a 100% property tax exemption on the building for five years and an exemption from state tax on income derived from the location for five years; and the request of Quality Title, Inc. for the designation of 425 North 5th Street as a Lease Renaissance Zone project as an exemption from state tax on income derived from the location for five years. The property is owned by Balerud Rentals, LLC and DDB Rentals, LLC and is legally described as Lot 1, part of Lot 3, and Lot 4, Block 25, Northern Pacific 2nd Addition. The Renaissance Zone Authority recommends approval.

Daniel Narin, Senior Planner with the Community Development Department, presented the request and take final action on the Rehabilitation Renaissance Zone project for the building at 425 North 5th Street as presented in all submitted documents and materials, as a 100% property tax exemption on the building for five years and an exemption from state tax on income derived from the location for five years, and the Lease Renaissance Zone project within the building at 425 N 5th Street as presented in all submitted documents and materials, as an exemption from state tax on income derived from the location for five years.

Commissioner Zenker motioned to approve as presented, and Commissioner Cleary seconded the motion.

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

6. **Public Hearing on Ordinances 6507-6509 to create special assessment districts for annexed properties.**

Mayor Schmitz opened the public hearing. No comment was received.

Commissioner Marquardt motioned to approve Ordinance 6507-6509 as presented, and Commissioner Zenker seconded the motion.

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

7. Public hearing on Ordinance 6510, a zoning change from the CG-Commercial zoning district to the RMH-Residential zoning district for Block 49 and part of Block 56, Governor Pierce Addition, requested by Bismarck Rental Properties, LLC.

Ben Ehreth, Community Development Director, presented information on Ordinance 6510, the zoning change from the CG-Commercial zoning district to the RMH-Residential zoning district for Block 49 and part of Block 56, Governor Pierce Addition, requested by Bismarck

Rental Properties, LLC. The commission expressed concerns with the dilapidated state of the property and specifically the condition of the existing mobile homes. They wanted assurance of the owner's intention to remove and replace some of the most blighted units in the mobile home park.

Mayor Schmitz opened the public hearing. No comment was received.

Commissioner Marquardt motioned to continue the discussion at the August 9, 2022, meeting and requested the attendance of a Bismarck Rental Properties, LLC representative to be present at the meeting, and Commissioner Zenker seconded the motion.

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

8. Public hearing on Ordinance 6511, a zoning change from the CG-Commercial zoning district to the RMH-Residential zoning district for Block 45, Governor Pierce Addition, requested by Bismarck Rental Properties, LLC.

Ben Ehreth, Community Development Director, presented information on Ordinance 6511, a zoning change from the CG-Commercial zoning district to the RMH-Residential zoning district for Block 45, Governor Pierce Addition, requested by Bismarck Rental Properties, LLC. Given the similarities between the two mobile home properties, the commission echoed their previous concerns about this property.

Mayor Schmitz opened the public hearing. No comment was received.

Commissioner Marquardt motioned to continue the discussion at the August 9, 2022, meeting and requested the attendance of a Bismarck Rental Properties, LLC representative to be present at the meeting, and Commissioner Splonskowski seconded the motion.

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

9. Public hearing on Ordinance 6512, a zoning change from the RT-Residential zoning district to the DF-Downtown Fringe zoning district for Lot 7, Block 41, Northern Pacific 2nd Addition, requested by Venture Property Management.

Ben Ehreth, Community Development Director, presented information on Ordinance 6512, a zoning change from the RT-Residential zoning district to the DF-Downtown Fringe zoning district for Lot 7, Block 41, Northern Pacific 2nd Addition, requested by Venture Property Management.

Mayor Schmitz opened the public hearing. No comment was received.

Commissioner Zenker motioned to approve Ordinance 6512 as presented, and Commissioner Splonskowski seconded the motion.

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

10. Public hearing on Ordinance 6513, a staff-initiated zoning ordinance text amendment relating to agency foster homes for adults to include provisions to allow agency foster care for adults as a permitted use in the R5 – Residential and R10 – Residential zoning districts.

Kim Lee, Planning Manager, presented information on Ordinance 6513, a staff-initiated zoning ordinance text amendment relating to agency foster homes for adults to include

provisions to allow agency foster care for adults as a permitted use in the R5 – Residential and R10 – Residential zoning districts.

Mayor Schmitz opened the public hearing. No comment was received.

Commissioner Marquardt motioned to approve Ordinance 6513 as presented, and Commissioner Splonskowski seconded the motion.

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

11. Public hearing on Ordinance 6514, a staff-initiated zoning ordinance text amendment relating to front yard setbacks in CG and MA zoning districts.

Kim Lee, Planning Manager, presented information on Ordinance 6514, a staff-initiated zoning ordinance text amendment relating to front yard setbacks in CG and MA zoning districts.

Mayor Schmitz opened the public hearing. No comment was received.

Commissioner Marquardt motioned to approve Ordinance 6514 as presented, and Commissioner Splonskowski seconded the motion.

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

12. Consider the 2023 Preliminary Budget, Mill Levy, Priority Initiatives, Capital Projects, and Salary Plan for approval.

Commissioner Marquardt and Dmitriy Chernyak, Finance Director, presented the 2023 Preliminary Budget, Mill Levy, Priority Initiatives, Capital Projects, and Salary Plan for approval. Commissioner Marquardt noted that the Budget Committee presented a balanced budget with a zero-mill increase in property taxes. Commissioner Splonskowski questioned some of the building maintenance expenditures scheduled for 2023. Finance Director Chernyak stated that the facility condition assessment report indicated that the budgeted repairs for the City/County were necessary.

Commissioner Marquardt motioned to approve the 2023 preliminary budget for all City funds, priority initiatives, capital projects, 5-year capital improvement plan, fees and charges, estimated tax revenue, and other information as presented in the agenda packet. The final property tax amount collected in 2023 may be adjusted based on the final values determined by Burleigh County and the State of North Dakota. Also, after the Stantec water and sewer rate update 2023, water, sewer, and stormwater fund budgets and fees and charges will be provided to the City Commission for consideration and approval. Commissioner Cleary seconded the motion.

Upon a roll call vote, Commissioners Cleary, Marquardt, Zenker, and Mayor Schmitz all voted aye; Commissioner Splonskowski voted nay. M/C

<https://bismarcknd.gov/DocumentCenter/View/40891/Item-12-Public-Comment-PDF>

#### Other Business

Commissioner Zenker motioned to amend the 2022 budget to make an expenditure for the United Way and to take the funds from the general fund cash reserves, and Commissioner

Cleary seconded the motion.

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

Adjourn

There being no further business, the meeting adjourned at 7:14 PM.

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