



3/10/2020 - Minutes

MISSION STATEMENT

To provide high-quality public services to enhance our quality of life.

MEETING WITH THE BOARD OF HEALTH

1. Call to Order
2. Director's Report - Renae Moch, Public Health Director
 - a. COVID-19 Update
 - b. Presentation of 2019 Annual Report
3. Adjourn

Renae Moch, the director of Public Health, gave a presentation regarding the COVID-19 virus. The presentation included prevention, the difference between influenza and the COVID-19 virus and resources available for the community to use.

Ms. Moch also gave the annual Board of Health report. The report addressed the increased amount of social and behavioral health assistance, tobacco use in high-school students and the use of Narcan with our emergency service workers.

No motion was made for this item.

Please see the link for the full presentation and annual report.

Adjourned 5:43 p.m.

MEETING OF THE BOARD OF CITY COMMISSION

1. Proclamation recognizing the Bismarck Rotary Club, for a "Century of Service."

Mayor Bakken presented the Proclamation to the Bismarck Rotary Club.

2. Proclamation recognizing March as Colorectal Cancer Awareness Month.

Mayor Bakken signed the proclamation and declared the month of March as Colorectal Cancer Awareness Month.

3. Proclamation recognizing March 18th as Take Down Tobacco: National Day of Action in the City of Bismarck.

Mayor Bakken presented the proclamation to high-school students from Bismarck, Century and St. Mary's and the representative of Public Health's Tobacco Prevention Specialist, Jordyn Schaeftbauer,

and declared March 18th as Take Down Tobacco National Day of Action in the City of Bismarck.

4. Consider the approval of the minutes.

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

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

Brian Eiseman, of Stoneshire Builders, asked the Commission to reconsider the Board of Adjustment's decision to deny Sarah and Andrew Rodenburg's request for a variance to allow for the construction of a single-family dwelling.

Sheldon Smith, of Smith, Porsborg, Schweigert, Armstrong, Moldenhauer and Smith law firm, an attorney for adjacent property owners of the Rodenburgs, asked the commission to deny granting the variance.

Jack Marquart and Anna Preszler asked the Commission to support granting the variance and allow for the construction of a single-family dwelling.

6. CONSENT AGENDA

Mayor Bakken noted item #D1 was pulled at the request of the Airport.

Commissioner Marquardt moved to approve the consent agenda with the exception of items #F6 and #D1. Commissioner Oban seconded the motion.

Commissioner Marquardt requested further information on item #F6, and asked Roy Rickert, the director of Bis-Man Transit, to explain the Transit Board's board's process for reallocation of the federal funds.

Commissioner Marquardt moved to approve item #F6. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C.

A. Consider approval of expenditures.

Vouchers: 1091976-1092195.

B. Consider the approval of personnel actions.

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

1. Gaming Site Authorization for Matpac Wrestling Club, Inc. 1023 E. Front Ave.
2. Introduction of and call for a public hearing on a new Class D Retail Liquor License for Costco Beverages, Inc. Costco Wholesale #1380, located at 1325 57th Ave. N.E.

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

Item #1 was pulled from the agenda at the request of the Airport.

1. Approve reimbursement to Faber Coe & Gregg for HVAC installation in the airport cafe concession space.
2. Approve the selection committee's recommendation of a MB4 High Speed Rotary Snow Plow and approve entering into the purchase agreement.

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

1. Introduction of and call for a public hearing on Ordinance 6414, to amend Ordinance 12-10-06, regarding Accidents Involving Damage to Vehicles.
2. Introduction of and call for a public hearing on Ordinance 6415, to amend Ordinance 12-03-06, regarding Written Report of Accident.

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 6411, a request for the annexation of parts of Blocks 1-6, Silver Ranch First Addition First Replat, requested by Investcore Inc., the Bismarck Planning and Zoning Commission recommends approval.
2. Introduction of and call for a public hearing on Ordinance 6412, a request for a zoning change from the A-Agriculture zoning district to the MA-Industrial zoning district for Hay Creek Substation Addition, requested by Central Power Electric Cooperative.
3. Introduction of and call for a public hearing on Ordinance 6413, a request for a zoning change from the A-Agriculture zoning district to the RR-Residential zoning district for Apple Meadows Third Subdivision, requested by the Sattler Family, LLP, the Bismarck Planning and Zoning Commission recommends approval.
4. Request to accept North Dakota Department of Environmental Quality - Volkswagen Settlement Rebate Grant Award.
5. Request of the Bis-Man Transit Board to dispose of a 1993 Chevy Lumina service car.
6. Request of the Bis-Man Transit Board to have the Federal Transit Administration reallocate FY20 5339 funds to rebuild existing buses and replace other vehicles that are beyond useful life.

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

1. Boulder Ridge Seventh Addition Easements - Approve the release of portions of existing utility easements within Boulder Ridge Seventh Addition, Approve acceptance and dedication of right of way and utility easements within Boulder Ridge Seventh Addition, Approve acceptance of replacement utility easements on behalf of franchised utilities within Boulder Ridge Seventh Addition.
2. Approve Development Agreement with Frontier Precision, Inc.
3. Street Improvement District No. 530 - Request for Resolution Approving Plans and Specifications for SI 530, Request for Resolution Directing the Advertisement of Bids and Receive Bids.
4. Street Improvement District No. 534 - Request for Resolution Approving Plans and Specifications, Request for Resolution Directing the Advertisement of Bids and Receive Bids.
5. Street Improvement District No. 535 - Request for Resolution of Necessity.
6. Street Utility Project SV 55 - Request to receive bids and award contract for Street Utility Project SV 55.
7. Approve Street Closure for 16th Annual Urban Harvest.

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

1. Approve the reclassification of the Airport's Accounting Specialist Grade 14 position to Accounting Coordinator Grade 17.

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

1. Award contract for parking ticket hardware and software to Duncan Parking Technologies.

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

1. Approve Task Order No. 20-01 to the Agreement with Houston Engineering for professional engineering services for solid waste operations.
2. Award bid for Public Works building HVAC Upgrade to Advance Mechanical.
3. Award bid for installation of painted pavement marking to Traffic Safety Services, Inc.

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

1. Approve bid for the Lockport Pump Station Project and approval of a cost-share request with the State Water Commission.

7. REGULAR AGENDA

8. Receive a presentation and hold a public hearing on the Metropolitan Planning Organization's 2020-2045 Metropolitan Transportation Plan/Arrive 2045.

Wade Klein, a KLJ consultant from Fargo, N.D. and Rachel Drewlow, of the Bismarck Metropolitan Planning Organization (MPO), presented the Metropolitan Transportation Plan/Arrive 2045. The presentation included public engagement overview, future developments and goals and a short, mid and long-term financial plan.

Please see the link for the full presentation.

No member of the public appeared for comment.

Commissioner Marquardt moved to accept the Arrive 2045 plan as presented. Commissioner Zenker seconded the motion. Ms. Drewlow clarified that the MPO was requesting, with the Commission's approval, a signed certificate of adoption. Commissioner Marquardt then withdrew his motion.

Commissioner Marquardt asked for clarification on the adoption of the plan. The Mayor and several of the Commissioners expressed concern that an adoption would require commitment to the projects detailed in the plan. Ms. Drewlow and Ben Ehreth, the Director of the Community Development Department stated it is not uncommon to amend the plan. This included altering the scope of projects based on where the need is.

After further discussion, Commissioner Marquardt made a motion to accept the plan as presented. He defined his motion as not adopting all of the items detailed in the plan. Commissioner Zenker seconded it. Upon a roll call vote, all voted aye. M/C.

9. Consider the request from the Community Development Department for Sarah and Andrew Rodenburg to appeal the February 6, 2020 decision of the Board of Adjustment to deny a variance from Section 14-04-03 (8) of the City Code of Ordinances (R5-Residential) (Side Yard) to decrease the required side yard setback from six (6) feet to zero (0) feet for the purpose of creating an access easement to provide access to the property east of Lot 12, Block 1, Highland Acres (Lots 1-2, Lot 3 less than North 16 feet and Lot 4 less than East 29 feet, block 1, Torrance Hill Addition) (811, 815, 819 and 823 Torrance Place) in order to construct a single-family dwelling.

Jenny Wollmuth, a Planner from the Community Development Department, explained the hardship determined by the Board of Adjustment, and the Rodenburg's request to grant a variance for the property. Ms. Wollmuth informed the Commission that the Board of Adjustment did identify a

hardship; the parcel is landlocked. However, the Board of Adjustment did not have sufficient votes to grant the variance as four votes are required. The vote to grant the variance was 3-2.

The Rodenburgs came before the Commission and stated they felt it was their destiny to build their home on this property. Mr. Rodenburg described the timeline and process undertaken in recent years. Mr. Rodenburg outlined the plan to construct a driveway between the homes at 833 and 831 Crescent Lane to access the landlocked property. The Rodenburgs currently own and reside in the home at 833 Crescent Lane. Mr. Rodenburg told the Commission the proposed driveway would lie within an access easement along the south side of the home at 833 Crescent Lane and it would be built directly adjacent to an existing driveway to the south at 831 Crescent Lane. Mr. Rodenburg noted the new driveway would be designed to help drain stormwater away from the two homes to help reduce ice accumulation that occurs currently.

Commissioner Oban moved to grant variance, identifying the hardship as no access to the landlocked property and based on a minimum variance necessary to accomplish relief from the zoning ordinance, Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted, aye. MC.

10. Public hearing on Street Improvement District No. 532 on Resolution of Necessity.

No member of the public appeared for comment.

Commissioner Marquardt made a motion to approve the Street Improvement project as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C.

11. Consider the request from the Attorney for the proposed amendment to the Bismarck Home Rule Charter and direct staff to publish the notices and work with the County to place the measure on the June 9, 2020 ballot, for the Bismarck Park District's ballot measure.

Commissioner Guy moved to approve the amendment to the Bismarck Home Rule Charter and directed staff to move forward with the required work with the Burleigh County Auditor/Treasurer to place the measure on the June ballot. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

12. Consider the request from the Community Development Department for approval of the final plat of Dunn Subdivision, requested by Luella Dunn.

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

13. Consider the request from the Community Development Department for approval of the final plat of the Eugenes First Addition, requested by State Street Investments.

Commissioner Marquardt made a motion to approve the request as presented. Commissioner Oban seconded it. Upon a roll call vote, all voted aye. M/C.

14. Consider the request from the Community Development Department to change the name of the street Whitetail Drive, as recorded on the plat of Olive Tree Subdivision, to Olive Tree Lane.

Commissioner Guy moved to approve the street name change. Commissioner Zenker seconded it. Upon a roll call vote, all voted aye. M/C.

15. Consider the request from the Engineering Department for discussion regarding the special assessment policy.

Gabe Schell, the City Engineer, came before the Commission and discussed how the existing special assessment policy affects the Engineering Department's projects.

Please use the link to view more information presented by the City Engineer during the discussion. <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5034?fileID=12066>

Discussion was held regarding the unified rate applied to properties as per the current policy and the City's contribution through sales tax collections to subsidize street improvement projects.

No motion was made for this item.

16. Consider the request from the Administration Department for discussion regarding the street utility fee.

The Commission addressed how they have been working with the Legislature to allow for legislation enabling a street utility tax. It was discussed to hire a consultant to study how a street utility tax could work in Bismarck and to address questions that have been raised by the legislature.

Commissioner Guy moved to direct staff to issue a request for proposal to study options for an alternative funding source to replace special assessments. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C.

17. Consider the request from the Administration Department for discussion regarding the public arts policy.

The Commission gave direction for the Department to work with the Dakota West Arts Council to establish a stakeholder group and work to draft a policy.

No motion was made for this item.

Other Business

Having completed all the items on the agenda, President Bakken asked if there was any other business.

The next City Commission Meeting will be at 5:15 on March 24, 2020.

Adjourn

The meeting was adjourned at 8:44 p.m.