



MEETING OF THE BOARD OF CITY COMMISSIONERS

1/12/2021 - Minutes

MISSION STATEMENT

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

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 Splonskowski 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: 1096478 - 1096763.

- B. Consider approval of personnel actions.

- C. Consider the request for approval from the Airport for the following:

1. Permission to purchase radios through the North Dakota State Bid #111.

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

1. 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 February 4, 2021.
- E. Consider the request for approval from Bismarck-Burleigh Public Health for the following:
1. Permission to apply for the Parents Lead Community Implementation Mini Grant.
- F. Consider the request for approval from the Community Development Department for the following:
1. Approve the update on the Highland Acres historic Inventory Survey.
 2. Introduction of and call for a public hearing on Ordinance 6445, a zoning change from the R10-Residential and CG-Commercial zoning districts to the CG-Commercial zoning district for the N1/2 of the E1/2 of Auditor's Lot 22, less the South 45 feet, Park Hills Auditor's Lots, requested by Michael Schwartz. The Bismarck Planning and Zoning Commission recommends approval.
- G. Consider the request for approval from the Engineering Department for the following:
1. Approve the Private Dr. and Private Utility Agreement for Ash Coulee Estates Addition.
 2. Approve the street closure for the 48th annual Downtowners Street Fair.
 3. Street Improvement District No. 541 - Request for Resolution Creating District SI 541 and Ordering Preparation of the Preliminary Report Request for Resolution Approving the Preliminary Report and Directing Preparation of Plans and Specifications.
 4. Street Improvement District No. 544 - Request for Resolution Creating District SI 544 and Ordering Preparation of the Preliminary Report. Request for Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.
- H. Consider the request for approval from the Event Center for the following:
1. Approve the venue membership agreement with Arena Network, Inc.
 2. Approve the assignment agreement amendments with Jam Theatrical, Ltd.
- I. Consider the request for approval from the Finance Department for the following:
1. Applications for Abatement at 1248 Ward Rd., Justin Data and Tera Rutten, Market Value Reduction.
 2. Application for Abatement at 1004 N. 10th St., John & Camille Grothier, Disabled Veteran
 3. Application for Abatement at 1211 N. 18th St., Ervin Erickson, Disabled Veteran
 4. Application for Abatement at 438 E. Interstate Ave., Edwin & Shirley Boger, Disabled Veteran
- J. Consider the request for approval from the Fire Department for the following:
1. Adopt the updated 2020 City of Bismarck Multi-Hazard Mitigation Plan.
- K. Consider the request for approval from the Police Department for the following:

1. Permission to auction the forfeited vehicles.
2. Permission to trade-in a vehicle and purchase a new one for the narcotics unit.
3. Permission to solicit funds for the annual K9 seminar.

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

1. Permission to purchase Beet Heat for winter roadway snow fighting.
2. Permission to purchase snow removal equipment for roads & streets and building maintenance operations.
3. Permission to purchase portable and mobile radios under the State of North Dakota Bid Contract.
4. Permission to purchase oil for city vehicles and equipment under the State of North Dakota Bid Contract.
5. Permission to purchase fuel for city vehicles and equipment under the State of North Dakota Bid Contract.
6. Permission to purchase tires for city vehicles and equipment under the State of North Dakota Bid Contract.

4. REGULAR AGENDA

5. Receive the Street Utility Fee Project report.

City Administrator Keith Hunke presented some background information on the project and the consultant AE2S Nexus, who is working with the city to develop a Street Utility Fee, which would eventually eliminate special assessments for street maintenance projects for Bismarck residents.

AE2S Nexus representative Brent Bogard provided the presentation to the Commission.

Please use the link to view his full presentation:

<https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5760?fileID=13647>

Bogard's presentation included the framework for project and the process of exploring alternatives to create a fair, balanced and reliable fee for both residential and commercial properties.

Commissioner Guy moved to accept the report and allow the City to move forward with legislative outreach. Commissioner Marquardt seconded the motion.

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

6. Receive the Bis-Man Intersection Analysis Study presented by the Bismarck-Mandan Metropolitan Planning Organization and KLJ.

The Bismarck Metropolitan Planning Organization's Director Rachel Drewlow and Bolton and Menk's Mike Bittner provided the presentation on the Bis-Man Intersection Analysis Study (IAS) for the Commission. The study evaluated traffic control at 65 intersections and traffic speed on 10 corridors through public comment opportunities and technical analysis.

Please use the link to view the full presentation:

<https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5753?fileID=13627>

Commissioner Guy moved to receive the study as presented. Commissioner Marquardt seconded.

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

7. Public hearing on a new Class E Liquor License for Simonson Station Stores, Inc., located at 1011 E. Main Ave.

No member of the public appeared for comment.

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

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

8. Public hearing on Ordinance 6444, regarding the discharging of firearms within City limits.

No member of the public appeared for comment.

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

Upon a roll call vote, all voted aye.

9. Public hearing on the Special Assessment Policy.

Engineer Schell highlighted the amendments to the policy, all of which are clerical.

Please use the link to review the changes:

No member of the public appeared for comment.

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

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

10. Public hearing on the approval of the waste collection franchise application for Armstrong Sanitation and Roll-Off, Inc.

No member of the public appeared for comment.

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

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

11. Consider the request from the Community Development Department for a minor subdivision final plat of Kilber North Addition First Replat, requested by DPH Investments, LLC.

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

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

12. Consider the request from the Engineering Department for recommendations on lane configurations for South Washington St. within the proposed SI-541 work area.

City Engineer Schell's recommendation was to convert the 4-lane section of road to a 3-lane section between the drainage ditch and south of Riverwood Dr. This would improve sight distances at the intersection with signals, as this section has seen an increase in crashes for drivers making left turns at this intersection.

Engineer Schell also suggested implementing a trial period for the change, if the Commission did not feel comfortable approving the lane change immediately. This would require a demonstration test period in which the City would use temporary paint to mark the lines on the roads and would cover the outside of the traffic light.

Commissioner Zenker moved to leave the street at 4-lanes as is. Commissioner Splonskowski seconded the motion.

Commissioner Guy stated she felt it was important to move forward with the 3-lane change, as the City risked losing State and federal funding because they did not meet the recommendations made by the MPO's IAS study.

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

13. Consider the request from the Attorney for direction on open meeting protocols.

Commissioner Guy suggested staff create a simplified written policy on the open meeting protocols for the City's website. Mayor Bakken directed staff to follow Commissioner Guy's recommendation and stated he would also like to see a link to the Attorney General's website included with the policy.

14. **Consider the request from the Community Development Department for the Programmatic Agreement associated with the BNSF Rail Bridge.**

Community Development Director Ben Ehreth provided a brief history on the process for establishing an agreement, between 30 entities, including federal, tribal, the City of Mandan, private interest, etc. Several parties have taken an interest, as the BNSF Rail Bridge has been deemed historically significant.

The programmatic agreement was created by the U.S. Coast Guard, as the Missouri River is deemed a Navigable Waterway by the U.S. Army Corps of Engineers, permits are required to be obtained to construct, demolish or alter a bridge structure. The U.S. Coast Guard has jurisdiction in issuing these permits. The agreement identifies the terms of a formal legally binding agreement involving all parties and any responsibilities associated with the parties. It does not bind the City to any financial or liability responsibility associated with the project as it moves forward whether that be removing the bridge or preserving it.

Commissioner Guy moved to approve the agreement as presented. Commissioner Splonskowski seconded the motion.

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

A Memorandum of Agreement (MOA), which will outline specific measures to mitigate adverse impacts associated with either alternatives. The MOA will be brought back to the Commission for review at a later date.

Other Business

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

Adjourn

The meeting was adjourned at 7:22 p.m.

Equal
Housing

Opportu
nity