

The Board of City Commission met in regular session on January 22, 2019 at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Marquardt, Guy, Zenker, Oban, and President Bakken.

1. Commissioner Marquardt moved to approve the minutes of the January 8, 2019 Regular Commission meeting. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C
2. Commissioner Oban moved to approve the consent agenda. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C
  - A. Voucher numbers: 1085121-1085372
  - B. Personnel actions.
  - C. Administration Department:
    1. Introduction of and Call for a Public Hearing on a New Class M Catering Liquor License for Bareknuckle Events, LLC., located at 300 N 4th Street, #103.
    2. Introduction of and Call for a Public Hearing on a New Class I-3 Restaurant Beer Only Liquor License for The Wood House Restaurant, located at 1825 N 13th Street.
    3. Gaming Site Authorization for Bismarck Hockey Boosters at the Craftcade located at 405 N 4th Street.
    4. Introduction of and Call for a Public Hearing on a New Class M Catering Liquor License for Sixteen 03 Main Events, located at 1603 E Main Avenue.
  - D. Airport:
    1. A \$5,000 sponsorship to the North Dakota Aviation Council for the 2019 Upper Midwest Aviation Symposium. The Airport staff recommends approval.
  - E. City Attorney:
    1. Participate in the UND Law School Experiential Placement Program.
  - F. Community Development Department:
    1. Introduction of and Call for a Public Hearing on Ordinance 6362, a request for the annexation of Elk Ridge Addition less the Tyler Parkway right-of-way. The Planning and Zoning Commission recommends approval.

2. Introduction of and Call for a Public Hearing on Ordinance 6363, a request for a zoning change from the A-Agricultural zoning district to the R5-Residential and P-Public zoning districts for Elk Ridge Addition. The Planning and Zoning Commission recommends approval.
  3. Introduction of and Call for a Public Hearing on March 12, 2019 on the request from Mid Dakota Clinic to vacate the segment of right-of-way described as North 10th Street, between East Rosser and East Avenue A
- G. Engineering Development:
1. Change Order No. 7 with Basaraba Excavating and Dirt Works, LLC for the Silver Ranch Sanitary Sewer Trunk Line (Phase 1).
  2. North Dakota Department of Transportation Cost Participation and Maintenance Agreement for City Project HC-116.
  3. Resolution for Creating Street Improvement District No. 525 and Ordering Preparation of the Preliminary Report; Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications for Street Improvement District No. 525.
  4. Resolution for Creating Street Improvement District No. 526 and Ordering Preparation of the Preliminary Report; Resolution Approving Preliminary Report and Directing Plans and Specifications for Street Improvement District No. 526.
  5. Street closure for the 46th Annual Downtowners Street Fair from September 12-14, 2019.
  6. Street Closure for the 15th Annual Urban Harvest from July 11 to August 15, 2019.
- H. Finance Department:
1. Disposal of financial records dating from 1984 to 2013 that have exceeded the established retention dates.
- I. Finance Department – Assessing Division:
1. Application for property tax abatement 2017 and 2018, Blind Exemption at 3007 East Colorado Dr.
  2. Application for property tax abatement 2018, Disabled Veteran at 1406 N 13th Street.
- J. Human Resources Department:
1. Classification of the Assistant City Attorney position.
- K. Police Department:
1. Authorization to trade/purchase 2019 narcotic vehicles.
- L. Public Works Service Operations Department:

1. Reallocation of Roads and Streets Division Funds from the purchase of a dump truck to the purchase of a Broce Broom.
2. Purchase of deicer agricultural-based liquid for snow-fighting activities under the ND Department of Transportation bid contract for the 2019 budget year.
3. Purchase Motorola portable and mobile radios under the ND State bid contract.
4. Purchase oil for City vehicles and equipment under the ND State bid contract for the 2019 budget year.
5. Purchase tires for City vehicles and equipment under ND State bid contract for the 2019 budget year.
6. Purchase one vehicle for Public Works Utility Operations Water/Sewer Division at the ND State bid price for the 2019 budget year.

M. Public Works Utility Operations Department:

1. Water Service Contract with South Central Regional Water District from February 1, 2019 through January 31, 2039 and terminate the previous January 26, 1996 agreement.
2. Water Service Contract with the City of Lincoln from February 1, 2019 through January 31, 2039 and terminate the previous October 8, 2004 agreement. (Removed from agenda)

### 3. REGULAR AGENDA

4. Proclamation declaring February 2019 as Entrepreneurship Month in the City of Bismarck.
5. Public comment (restricted to items on the Regular Agenda, excluding public hearing items). No member of the public appeared for comment.
6. Commissioner Marquardt provided a portfolio report.
7. The Commission President called for the Public Hearing on Ordinance 6359, a request for the annexation of Lots 3-9, Block 1 and all of Blocks 2-8, Cottonwood Parkview Addition.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the second reading and final passage of Ordinance 6359. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

8. The Commission President called for the Public Hearing on Ordinance 6360, a staff-initiated zoning change from the CG - Commercial zoning district to the DC - Downtown Core zoning district for Tract 118 of part of Blocks 5 and 7, Original Plat and to the DF - Downtown Fringe zoning district for all of Blocks 49 and 51, Original Plat. No member of the public appeared for comment.

Commissioner Zenker moved to approve the second reading and finale passage of Ordinance 6360. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

9. The Commission President called for the Public Hearing on Ordinance 6361, a staff-initiated zoning ordinance text amendment relating to residential district setbacks.

No member of the public appeared for comment.

Commissioner Oban moved to approve the second reading and final passage of Ordinance 6361. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

10. The Commission reviewed and discussed the 2019 Legislative Report #2 from City Administrator Hunke.

Commissioner Oban moved to oppose HB 1182. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Marquardt moved to oppose HB 1184. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Marquardt moved to oppose HB 1286. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Marquardt moved to support HB 1296. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Guy moved to oppose HB 1379. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Oban moved to oppose HB 1380. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Guy moved to support HB 1441. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Marquardt moved to support SB 2026, SB 2028 – SB 2032. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Zenker moved to support SB 2068. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Marquardt moved to support SB 2180. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Guy moved to support SB 2263. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Marquardt moved to support SB 2275. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Oban moved to support SB 2303. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Marquardt moved to support SB 2304. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

11. The Commission considered the request for approval from the Fire Department for the continuation of the Community Rating System and submit annual re-certification documents. Bismarck Emergency Manager Gary Stockert addressed the commission.

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

12. The Commission President called for the Public Hearing on a staff-initiated amendment to the Priority and Future areas of the Urban Service Area Boundary of the Growth Phasing Plan in the 2014 Growth Management Plan.

No member of the public appeared for comment.

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

13. The Commission considered the request for approval from the Bismarck Event Center for building sponsorship. Bismarck Event Center Director Charlie Jeske addressed the commission.

Commissioner Guy moved to approve staff to continue working with businesses for naming sponsorship. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

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14. The Commission considered the request for approval from the Public Works Service Operations Department for the purchase of the Billington Salvage Yard property located at 335 26<sup>th</sup> St. South. Public Works Service Operations Director Jeff Heintz addressed the commission.

Commissioner Marquardt moved to approve the purchase of the Billington Salvage Yard property for the agreed upon purchase price of \$582,662 and the purchase agreement. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

15. The Commission considered the request for approval from the City Attorney for the proposed purchase agreement for the Bowen Avenue Strip Mall.

Commissioner Marquardt moved to refuse the purchase agreement for the Bowen Avenue Strip Mall. Commissioner Zenker seconded the motion. Upon a roll call vote, Zenker, Guy and Oban nay, Marquardt and Bakken aye. Motion failed.

City Attorney Jannelle Combs addressed the commission to answer questions regarding the Bowen Avenue Strip Mall purchase agreement.

Commissioner Zenker moved to approve, accept and moved forward with the Bowen Avenue Strip Mall purchase agreement as presented. Based on the appraisals performed, the purchase price is \$1,100,000, and the City of Bismarck will conduct a Phase 1 Environmental Assessment regarding concerns of mold and asbestos. Commissioner Guy seconded the motion. Upon a roll call vote, Marquardt and Bakken nay; Zenker, Guy and Oban aye. M/C

Having completed the items on the agenda, President Bakken asked if there was any other business. Commissioner Marquardt asked if a new name could be selected for the Gold Star Task Force that doesn't reflect the military context. The Commissioners asked Bismarck-Burleigh Public Health Director Renae Moch if she would provide alternative names. The meeting was declared adjourned at 7:02 p.m.