

2/25/2020 - 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. Consider 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.

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

No member of the public appeared.

3. CONSENT AGENDA

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

- A. Consider approval of expenditures.

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- B. Consider approval of personnel actions.

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

1. Change Order #7 with Northern Improvement Company for Runway 13-31 Reconstruction Phase 3.

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

1. Release of the North 187 feet of the 14-foot utility easement adjacent to Lots 4-5, Block 2, Glenwood Estates.

- E. Consider the request for approval from the Engineering Department for the following:

1. Approve Encroachment Agreement for 1400 E. Broadway Ave.
2. Approve Encroachment Agreement for 414 W. Sweet Ave.
3. Street Improvement District 530 - Resolution Receiving Petition and Expanding Street District SI 530.
4. Street Improvement District 535 - Request for Resolution in Creating District, Ordering Preparation of the Preliminary Report. Request for Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.

- F. Consider the request for approval from the Finance Department for the following:

1. Application for Abatement for year 2019, Market Value, at 1402 Spaulding Ave.
2. Application for Abatement for year 2019, Disabled Veteran Credit, at Independence Ave.
3. Application for Abatement for year 2019, Blind Exemption, at 3401 Sharloh Pl. Unit 7.

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

1. Permission to purchase a truck chassis and the purchase and installation of a 55-foot boom and chipper body for the Forestry Division.
2. Permission to purchase two live bottom trailers for the Waste Water Treatment Plant Dewatering Operations.
3. Award bid for Universal Automated Solid Waste and Yard Waste Collection Containers to Cascade.

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

1. Award bid for utility billing fulfillment services to Peregrine Services.

4. REGULAR AGENDA

5. Consider the request from the Event Center to become an official partner for Leadership Bismarck-Mandan's Project Team #1.

The project relates to developing a concept to repurpose or update signage at the Event Center.

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

6. Receive a report from Waste Management regarding the City's neighborhood recycling.

Paul Kalibabky, from Waste Management, gave a short presentation to the Commission regarding the recycling market and how it is affecting Bismarck's recycling program. No motion was made for this item.

7. Consider the request from the Public Works - Utility Operations Department to present the 2020 Wastewater Treatment Plant Master Plan Report.

DelRon Peters, from the Wastewater Treatment Plant, presented the 2020 Master Plan to the Commission. Commissioner Marquardt moved to approve the plan as presented. Commissioner Guy seconded it. Upon a roll call vote, all voted aye. M/C.

Please see the link to view presentation documents.

<https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/4937?fileID=11640>

8. Receive the 2019 annual report from the Bismarck Human Relations Committee.

Sister Hannah Vanorny, a member of the Bismarck Human Relations Committee, presented the annual report to the Commission. No motion was made for this item.

Please see the link for more information on Ms. Vanorny's presentation.

<https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/4938?fileID=11641>

9. Public hearing on new Class D Retail Liquor License for Coborn's Incorporated, for Cash Wise Liquor, located at 1144 E. Bismarck Expressway.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the new liquor license, Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye.

10. Public hearing on a new Class F-1 Restaurant Full Alcohol Liquor License for The Craftcade LLC, located at 405 N. 4th St.

No member of the public appeared for comment.

Commissioner Zenker moved to approve the new liquor license. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C.

11. Public hearing on new Class I-2 Restaurant Beer and Wine Liquor License for EAT Restaurant, LLC. for Eat Thai Cafe, located at 409 Riverwood Dr.

No member of the public appeared for comment.

Commissioner Zenker moved to approve the new liquor license. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C.

12. Consider the request from the Community Development Department for the following:

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the ordinance change. 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 the following:

Jason Petryszyn and Lon Romsaas, both from the engineering firm Swenson, Haagen and Company, came before the Commission and spoke in favor of the zoning change.

Wes Dickhut, Braun Intertec Corp., provided information on the soil conditions that were studied.

Del Rio Dr. residents, Roger Weigel and Nick Bradbury, spoke against the proposed changes, citing concerns with the change to the Future Land Use Plan designation for conservation and green space areas.

Tom Deis, a Bismarck resident, also addressed his concerns regarding erosion, traffic along Tyler Parkway and the increase need for police presence in the area, due to the growth of the community.

Ron Knutson, one of the applicants requesting the ordinance amendment, came forward

and stated the zoning change is consistent with the Future Land Use Plan and would not adversely affect the welfare of the area.

Commissioner Oban stated due to the fact that the applicants could not provide a detailed explanation for why they were requesting the zoning change, he was led to believe this request was made for their own personal interest, and because of that he would not be voting in favor of their request.

Commissioner Zenker moved to approve the requested zoning ordinance change and the amendments to the Future Land Use Plan as presented. Commissioner Marquardt seconded the motion. Upon a roll call vote, Commissioner Marquardt, Zenker, Guy and Mayor Bakken voted aye, Commissioner Oban nay. M/C.

14. Public hearing on Ordinance 6410, a request for the annexation of Lots 16 and 17, Block 1 and Lot 1, Block 4, Clear Sky Addition, requested by FRF Investment, LLP.

No member of the public appeared for comment.

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

15. Public hearing on Ordinance 6411, a request for the annexation of Lots 2, 15 and 16, Block 2; Lots 14-22, Block 4 and Lots 1-6, Block 4, Boulder Ridge 7th Addition, requested by Five Guys Investment, LLP.

No member of the public appeared for comment.

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

16. Public hearing on Street Improvement District SI 531 on Resolution of Necessity.

Linda Oster, of the City's Engineering Department, came forward with the department's findings and written protests, from the City's property owners, after a letter was sent out on or before January 20, 2020, regarding the project.

Please see the link for the written protests, percentages and additional findings for this item.

<https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/4947?fileID=11663>

Geraldine Wald and Joe Lindman, both Bismarck residents, spoke against the street improvement project. Lindman stated he believes updating streets, such as Washington St. does not just benefit the homeowners, but everyone in the community. He stated because of this he believes everyone should share the cost of the project.

Senator Dick Dever, came forward and asked the City Commission to move forward in working with legislators on decreasing the amount of special assessments. He stated this particular street improvement project would affect a large portion of the community, and he was concerned how small businesses and non-profits, like his church, would be able to pay for it. He indicated more work at the Legislature will need to be done before a street utility fee

could be created to pay for this project and future projects like it, rather than special assessments.

President Bakken acknowledged the Senator's concerns before Commissioner Oban made a motion to approve the improvements as presented. Commissioner Guy seconded the motion. Upon a roll call vote, Commissioners Marquardt, Zenker and Bakken voted nay. Commissioner Guy and Oban aye. Motion denied.

17. Public hearing on Street Improvement District SI 533 on Resolution of Necessity.

No member of the public appeared for comment.

Commissioner Guy moved to approve the improvement project. Commissioner Oban seconded the motion. Upon a roll call vote, Commissioner Marquardt, Zenker and Bakken voted nay. Commissioner Oban and Guy voted aye. Motion denied.

18. Consider the request from the Community Development Department for a request from the Lander Group for approval of a New Construction Renaissance Zone project at 112-120 E. Ave. A and 506-510 N. 2nd St., with 100% property tax exemption on the building for five years and an exemption from state tax on income for five years. The property is owned by 506 Properties, LLC and Boutrous Group, LLP and is legally described as Lots 4-6, Block 16, Northern Pacific Addition.

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

19. Consider the request from the Community Development Department for a request from the Lander Group for the approval of a New Construction Renaissance Zone project at 202-220 E. Ave. A and 500-506 N. 3rd St., with a 100% property tax exemption on the building for five years and an exemption from state tax on income for five years. The property is owned by Boutrous Group, LLP and is legally described as the South half of Lot 4 and Lots 5-8, Block 15, Northern Pacific Addition.

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

20. Consider the request from the Engineering Department for approval of Creating District CC20-Parts A-1, A-2, B-1 and B-2, Approving Plans and Specifications (Sidewalk Gaps and Hazardous Sidewalks), Authorization to Advertise and Receive Bids for District CC20-Parts A-1, A-2, B-1 and B-2.

Commissioner Marquardt made a motion to approve the request. Commissioner Guy seconded the motion. Upon a roll call vote, Commissioners Marquardt, Guy, Oban and President Bakken aye, Commissioner Zenker nay. M/C.

21. Consider the request from the Engineering Department to procure engineering services for federal aid project on 43rd Ave. from State St. to 26th St.

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

22. Consider the request from the Engineering Department to provide direction to staff regarding

unsatisfactory vegetation in stormwater ponds in the South Meadows Addition.

Commissioner Zenker made a motion to not accept the stormwater pond from the developer until it was properly vegetated to a satisfactory degree. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C.

23. Consider the request from the Engineering Department to receive an update and provide direction regarding Airway Ave. stormwater and street improvements.

Commissioner Zenker moved to approve the Engineering Department to reach out to the adjacent property owners to determine their interest in the street improvement. If the owners wish to move forward with the improvements, staff would begin drafting the corresponding street improvement district and the sewer improvement district for the area, which would be presented to the Commission at a later time. If the requisite number of petitions are not received, staff would also report back to the Board for further direction. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C.

24. Consider the request from the Engineering Department to approve the development agreement with Wilment Development, LLC regarding an area to be platted as Northern Sky Second Addition.

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

25. Consider the request from the Finance Department to apply for the State Revolving Fund and Bank of North Dakota Infrastructure Loans to finance water and wastewater infrastructure improvements in the City.

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

26. Consider the request from the Public Works - Utility Operations to provide a report on the special assessments of past sewer trunkline fees on the Hamburg Industrial Park Subdivision (Hagen Ave.).

Commissioner Guy made a motion to move forward on refunding the special assessment fees to the property owners. Commissioner Zenker seconded it. After further discussion it was acknowledged that the property owners paid interest in addition to their special assessment fees for the sewer trunkline fees.

Commissioner Guy amended the initial motion to include refunding the interest as well as the fees using the utility fund. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C.

27. Consider the request from the Administration Department for discussion on the Strategic Plan Public Arts Policy.

Commissioner Oban made a motion to have staff present information on past efforts to develop a public arts policy in addition to providing the Dakota West Arts Council's submission from the 2019 call for projects which proposed a comprehensive arts and cultural plan. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C.

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 p.m. on March 10, 2020.

Adjourn

The meeting was adjourned at 8:59 p.m.