

The Board of City Commission met in regular session on February 26, 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 February 12, 2019 Regular Commission meeting. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C
2. Commissioner Marquardt moved to remove item H1 for discussion and approve the remaining items. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

B. Voucher numbers: 1085720-1085937

C. Personnel actions.

D. Administration Department:

1. Gaming Site Authorization for Bismarck Hockey Boosters, Inc. to be located at 1603 E. Main Avenue.
2. Gaming Site Authorization for North Dakota Ducks Unlimited to be located at 2525 River Road.
3. Appoint Paul Zondo and DeeWayne Rognstad to serve on the Bismarck Human Relations Committee for terms expiring January 2021.

E. Airport:

1. Amendment 1 to Federal Aviation Administration Supplemental Appropriation Grant No. 3-0003-060-2018.

F. City Attorney:

1. Introduction of and Call for a Public Hearing on Ordinance 6368, relating to alarm systems.

G. Community Development Department:

1. Introduction of and Call for a Public Hearing on Ordinance 6369, a request for the annexation of Eagle Crest 8th Addition, less that portion previously annexed. The Planning and Zoning Commission recommends approval.
2. Introduction of and Call for a Public Hearing on Ordinance 6370, a request for a zoning change from the A-Agricultural and R5-Residential zoning districts to the R5-Residential zoning district for Eagle Crest 8th

Addition. The Planning and Zoning Commission recommends approval.

- H. Engineering Department:
 - 1. Resolution Approving Plans and Specifications, Resolution of Necessity, Resolution Directing Advertisement of Bids and Receiving Bids for Street Improvement District No. 527.
 - 2. Resolution Creating District SI 528 and Ordering Preparation of the Preliminary Report, and Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications for Street Improvement District No. 528.
 - 3. 2019 update of Construction Specifications for Municipal Public Works Improvements.

- I. Finance Department:
 - 1. Application for property tax abatement 2018, Disabled Veteran at 537 Macon Dr.
 - 2. Application for property tax abatement 2017, property exempt from taxation at 1400 Ward Road.

- J. Police Department:
 - 1. Authorize the transfer of obsolete property to ND State Surplus.

Commissioner Guy moved to approve item H1. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

2. REGULAR AGENDA

3. Public comment (restricted to items on the Regular Agenda, excluding public hearing items). Susan Dingle appeared to let the commission know that she appreciates all that Commissioner Guy does for Transit; Susan Pudwill appeared to discuss item 10 on the agenda, she would like to see the liquor ordinance to stay the way it is and to not have additional Class D & E licenses; Shawn Sanford appeared to discuss item 10 on the agenda, he would like the liquor license ordinance to allow for additional Class D & E Licenses and not to have it restricting free market; Mark Fetch appeared to discuss item 10 on the agenda, he would like to see future licenses have to go through the process that he had to go through and to not have additional licenses that may devalue his license.

4. Commissioner Guy provided a portfolio report.

5. The Commission considered the request from the Public Works Service Operations Department for a discussion on the Snow & Ice Plan including a budget

analysis. Jeff Heintz Director of Service Operations provided a presentation to the commission.

6. The Commission President called for the Public Hearing on Ordinance 6364, a request for the annexation of part of Lot A of Lot 4, Block 2, Spiritwood Estates Subdivision, requested by Glenn and Julie Bosch and Kurt and Judy Steiner; and Ordinance 6365, a request for a zoning change from the RR-Residential zoning district to the R5-Residential zoning district for part of Lot A of Lot 4, Block 2, Spiritwood Estates Subdivision.

No member of the public appeared for comment.

Commissioner Zenker moved to approve the second reading and final passage of Ordinance 6364 and 6365 as presented. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

7. The Commission President called for the Public Hearing on Ordinance 6366, a request for a zoning change from the RR-Residential zoning district to the RT-Residential and Conditional CG-Commercial zoning districts for Washington Square Addition and the Major Subdivision final plat for Washington Square Addition.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the second reading and final passage of Ordinance 6366 and the Major Subdivision final plat for Washington Square Addition as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

8. The Commission President called for the Public Hearing on Ordinance 6367, a request for a zoning change from a PUD-Planned Unit Development zoning district to a new PUD-Planned Unit Development zoning district on part of Lot 21, Lounsberry Outlots, requested by Bismarck Public Schools and Inspire Family Fellowship.

Pastor Randy Upgren appeared to express his gratitude to the Bismarck Public Schools and the City of Bismarck Planning and Zoning Department for all their help through the process.

Commissioner Oban moved to approve the second reading and final passage of Ordinance 6367 as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

9. The Commission considered the request from the Administration Department for the review, discussion, and approval of the 2019 Legislative Report #4. City Administrator Keith Hunke provided an update on the 2019 Legislative report.

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10. The Commission considered the request from the City Attorney for a discussion on the liquor license ordinance. City Attorney Jannelle Combs discussed possible options for the liquor license ordinance using input received from meetings city staff has had with the current liquor license owners.

Commissioner Guy moved to direct city staff to use the City of Mandan and the City of Williston ordinances to draft an ordinance for the City of Bismarck and bring back a spreadsheet listing of the changes to the commission to review and to keep the current liquor license owners informed of the process. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

11. The Commission considered the request from the Engineering Department for the concurrence of North Dakota Department of Transportation on award of NHU-1-810 to Central Specialties, Inc.

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

12. The Commission considered the request for approval from the Engineering Department for the Resolution Creating District CC19 - Parts A-1, A-2, B-1 and B2; Resolution Approving Plans and Specifications; and Authorization to Advertise and Receive Bids for CC19 - Parts A-1, A-2, B-1 and B-2.

Commissioner Oban 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 from the Engineering Department for the North Dakota Department of Transportation Urban Grant Program funding for a 2021 Downtown Street Improvement Project.

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

Having completed the items on the agenda, President Bakken asked for an amendment to the agenda for a Public Hearing for a New Class S liquor license for The Craftcade to be located at 405 N 4th St. as the Public Hearing was previously advertised for February 26, 2019 but was not added to this agenda. Commissioner Oban moved to amend the agenda as stated. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C Nick Schweiters addressed the commission as the applicant of The Craftcade liquor license asking for a Class F2 liquor license in place of the Class S liquor license. Commissioner Guy moved to Call for the Public Hearing on a New Class F2 liquor license for The Craftcade to be located at 405 N 4th St. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C President Bakken asked

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if there was any other business. Commissioner Zenker asked that the new Community Development Director Ben Ehreth introduce himself to the commission. The meeting was declared adjourned at 8:07 p.m.