



## MEETING OF THE BOARD OF CITY COMMISSIONERS

3/9/2021 - Minutes

### Future Commission Meetings:

March 23

April 13 & 27

May 11 & 25

### 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).

Curtis Blohm, a Bismarck resident, spoke against Item 12, Street Improvement District 541.

Pat Spillman, Darren Berger, Rich Skjonsby and Jeff Carlson, all residents of Bismarck, spoke against Item 10, the Moratorium for Floodplain Development Permits associated with LOMR-F Applications for bay properties in the Misty Waters Subdivision.

2. Consider the approval of the minutes.

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

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

- A. Consider approval of expenditures.

Vouchers: 1097411-1097644.

- B. Consider approval of personnel actions.
- C. Consider the request for approval from the Administration Department for the following:
  - 1. Approve a new gaming site authorization for the Fort Abraham Lincoln Foundation at the Expressway Inn & Suites, 180 E. Bismarck Expressway.
  - 2. Approve transferring two City-owned parcels to the Bismarck Parks & Recreation District.
- D. Consider the request for approval from the Attorney for the following:
  - 1. Introduction of and call for a public hearing on Ordinance 6446, regarding Domestic Distillery and Off-Sale provision.
  - 2. 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 April 5, 2021.
- E. Consider the request from the Bismarck-Burleigh Public Health Department for the following:
  - 1. Permission to auction items in the 2021 City Auction.
- F. Consider the request for approval from the Community Development Department for the following:
  - 1. Approve a contract amendment with the Highland Acres Historic Survey Consultant.
  - 2. Approve a request from the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, for approval of a contract with the North Dakota Department of Transportation for SFY2021 Section 533 (b) funding.
  - 3. Approve a request from the Bismarck-Mandan Metropolitan Planning Organization on behalf of Bis-Man Transit, to decommission and dispose of 10 Routematch tablet (AVL software and hardware) no longer in use.
  - 4. Introduction of and call for a public hearing on Ordinance 6451, a request for the annexation of Lot 40, Block 2, and Lot 1, Block 14, Silver Ranch First Addition and Lot 25, Block 1, Silver Ranch Second Addition, requested by Bismarck Parks and Recreation District. The Bismarck Planning and Zoning Commission recommends approval.
  - 5. Introduction of and call for a public hearing on Ordinance 6452, a request for the annexation of Lots 4-11, Block 12, Lots 8-13, Block 13, and Lots 9-12, Block 14, Silver Ranch Third Addition, requested by Chad Wachter, LLC. The Bismarck Planning and Zoning Commission recommends approval.
  - 6. Introduction of and call for a public hearing on Ordinance 6453, a request for a zoning change from the RR-Residential zoning district to the CG-Commercial zoning district for Memory Third Addition.
  - 7. Introduction of and call for a public hearing on Ordinance 6454, a request for a zoning change to the Conditional MA-Industrial zoning district for Lots 2 and 3, Block 1, Hay Creek Industrial Subdivision Replat, requested by KNA Holdings, LLP. The Bismarck Planning and Zoning Commission recommends approval.
  - 8. Introduction of and call for a public hearing on Ordinance 6455, a request for a zoning change from the Conditional R10-Residential zoning district to the R10-Residential zoning district on Lots 1-24, Block 6, Cottonwood Parkview Addition, requested by Wachter Family Revocable Trust. This Bismarck Planning and Zoning Commission recommends approval.
  - 9. Introduction of and call for a public hearing on Ordinance 6456, a staff-initiated

zoning ordinance text amendment relating to domestic distilleries and microbrew pubs. The Bismarck Planning and Zoning Commission recommends approval.

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

1. Approve the North Dakota Department of Transportation cost participation, construction and maintenance agreement for intersection improvement Safety Improvement SE-1-083(137)901, HC127.
2. Park Improvement District No. 004 - Request for resolution declaring petition for improvements has been received. Request for resolution creating district and ordering preparation of preliminary engineering reports. Request for resolution approving preliminary reports and directing the preparation of plans and specifications. Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
3. Street Improvement District No. 543 - Request for resolution approving plans and specifications. Request for resolution directing the advertisement of bids and receive bids.
4. Street Improvement District No. 546 - Request for resolution declaring petition for improvements has been received. Request for resolution creating district SI 546 and ordering the preparation of the preliminary report.

H. Consider the request for approval from the Finance Department for the following:

1. Application for abatement for 2020, Disabled Veteran at 1709 E. Ave. D for Erin Smith.
2. Approve an application for a property tax exemption at 929 N. 1st St.
3. Approve an increase to the Drinking Water Revolving Fund Loan to apply for potential loan forgiveness through the State.

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

1. Approve the 2021 Blue Cross Blue Shield Administrative Service and Stop Loss Agreement Contracts and Summary Plan Description.

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

1. Permission to conduct the annual deer and turkey archery hunting program on City property.

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

1. Accept the North Dakota Forest Service - America the Beautiful Program Development Grant and authorize an increase in budget authority for Forestry Government Grants.
2. Permission to award contract for the 2021 Installation of Painted Pavement Marking to Traffic Safety Services, Inc.
3. Permission to purchase a lift for the Fleet Services Division.
4. Permission to purchase a truck chassis, boom and tool box for the Electrical Division from the North Dakota and Minnesota state bid contracts.

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

1. Approve contract Change Order G-01 with Swanberg Construction, Inc. for the Wastewater Treatment Plant Phase 4 Dewatering System Improvements.

4. REGULAR AGENDA

5. Receive a report from the Bismarck-Mandan Convention & Visitors Bureau.

Sheri Grossman, the CEO/Executive Director of Bismarck-Mandan Convention & Visitors Bureau presented the update to the Commission.

No motion was made for this report.

6. Receive a Pandemic Response Update from Bismarck-Burleigh Public Health Director Renae Moch.

Director Renae Moch provided the update to the Commission. Please use this link to view it:

<https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5944?fileID=14091>

No motion was made for this item.

7. Public hearing on a new Class M Catering Liquor License for Harvest LLC.

No member of the public appeared for comment.

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

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

8. Public hearing on Ordinance 6450, regarding Competitive Bidding Required.

No member of the public appeared for comment.

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

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

9. Consider the request from the Community Development Department to present information on the City of Bismarck's involvement in the National Flood Insurance Program and the Community Rating System Program.

At the February 23, 2021 City Commission Meeting, the Commission requested the Department gather additional information on the National Flood Insurance Program and the Community Rating System (CRS) and present it to the Commission, in regards to the development of a temporary moratorium for the Misty Waters Subdivisions.

Community Development Director Ben Ehreth presented the information to the Commission. The information included a history of flood insurance, the City's current flood plain ordinance and details about the City's participation in the CRS program.

No motion was made for this item.

10. Consider the request from the Community Development Department for a Moratorium for Floodplain Development Permits associated with LOMR-F Applications for single, two-family and multi-family lots adjacent to Misty Waters Bay within Misty Waters Subdivision.

This item was tabled at the February 23<sup>rd</sup> meeting upon requesting the information presented in Item #9 and several other questions associated with the plat including the history, information on requests for the LOMR-Fs and how staff has handled these requests in the past. Answers to these questions were outlined in the City Commission agenda memo for this item. Please use the link to view it:  
<https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5948?fileID=14095>

Director Ehreth explained the department received another request for a LOMR-F, and stated the department desired a moratorium to pause development on Bay lots to give the department additional time to assess the current ordinance before granting the request. He said that not supporting the MOA we would need to consult with Attorney Combs. A change in the PUD Ordinance would require a hearing and then go back to the Planning and Zoning Commission for approval.

Commissioner Zenker moved to deny a moratorium on the Bay lots. Commissioner Splonskowski seconded the motion. Upon a roll call vote, all voted aye. M/C.

11. Consider the request from the Engineering Department for Street Improvement District No. 541 - Request to hear insufficiency of protests on resolution of necessity.

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

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

12. Consider the request from the Engineering Department for Street Improvement District No. 544 - Request to hear insufficiency of protests on resolution of necessity.

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

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

13. Receive an update on the Bismarck Comprehensive Plan.

Community Development Department staff began working on the plan in early winter. The Comprehensive Plan will be used in many jurisdictions across the country as the guiding document for future growth and development of the physical, social, and economic environment of a community. Bismarck's plan was a collaborated effort of the City, County, the Park and School Districts, and highlights the City's growth, land use, transportation, natural resources, economy, health and more.

The Commission will receive more updates as the plan is developed.

No motion was made for this item.

14. Consider the request from the Administration Department for direction on a new Class E Beer-Only On/Off Sale license.

Commissioner Guy moved to approve the release of an additional license and put it out for bid. Commissioner Zenker seconded the motion.

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

15. Receive an update from the Budget Committee regarding possible funding options for the Bismarck-Burleigh Public Health Department and Police Department plan for future facilities.

At the January 27, 2021 Special City Commission Meeting, the board moved to allow the departments and consultant, Leo A. Daley, to work with the Budget Committee to pursue funding for these projects and directed the City to begin exploring the options for purchasing a greenfield site for a new location for the Police Department. Please reference the minutes from that meeting to view the full list of space needs options the board recommended Leo A. Daley to explore.

Budget Committee representative Commissioner Marquardt stated the committee concluded funding for the future facilities would result in either a mill levy or a sales tax increase. Finance Director Dmitriy Chernyak presented some space needs financing options based on the estimated costs from the consultant.

The Commission discussed issuing a 1/4 cent sale tax, that would go before voters in June 2022. This tax would assist in funding the space needs project and an additional fire station. If supported by voters, the tax would sunset once the projects are paid off. Using sales tax to pay for the project was preferred by the board, as they could pay for the location without raising the property tax mill levy. Commissioner Guy stated Bismarck residents are not the only individuals benefiting from the services of the departments expanding.

Commissioner Zenker moved to begin looking at options for purchasing a piece of property to relocate the Police Department and bring the properties back to board to assess how much they need to take out of reserves to pay for the property.

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

#### Other Business

Mayor Bakken thanked the Chamber EDC for facilitating discussions throughout the 2021 Legislative Session with Bismarck-Mandan Legislators. Commissioner Guy reiterated Mayor Bakken's thanks and extended it to the Legislators that participated.

The Mayor also thanked Boy Scout Troop 122 for attending and presenting the Pledge of Allegiance at the meeting.

#### Adjourn

The meeting was adjourned at 8:42 p.m.

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