



MEETING OF THE BOARD OF CITY COMMISSIONERS

3/22/2022 - Minutes

Call to Order

The Board of City Commissioners met in regular session on March 22, 2022, at the hour of 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioners present included: Commissioner Guy, Commissioner Marquardt, Commissioner Splonskowski, Commissioner Zenker, and Mayor Bakken.

FUTURE COMMISSION MEETINGS:

- April 12, 2022 & April 26, 2022
- May 10, 2022 & May 24, 2022
- June 14, 2022 & June 28, 2022

MISSION STATEMENT

Mayor Bakken read the mission statement.

MEETING OF THE BOARD OF CITY COMMISSION

1. Recognition of the inaugural Bismarck Citizen Academy participants.

The City Commission recognized the inaugural Bismarck Citizen Academy participants and staff for their participation in the City's first Citizen Academy program.

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

Kate Herzog, with the Bismarck Downtowners, spoke in support of item 10.

David Witham with Denizen partners spoke in support of items 6 and 10.

Harley Swenson and Michael Connelly spoke in opposition to item 6.

- <https://bismarcknd.gov/DocumentCenter/View/40156/Michael-Connelly---Ash-Coulee-Drive>
- <https://bismarcknd.gov/DocumentCenter/View/40157/Michael-Connelly---SATF>

3. CONSENT AGENDA

Commissioner Marquardt motioned to approve as presented, Commissioner Splonskowski seconded.

Upon roll call, all voted aye. M/C

- A. Consider approval of minutes
- B. Consider approval of personnel actions
- C. Consider approval of expenditures

Vouchers 1103395-1103635.

D. Consider the request for approval from the Administration Department for the following:

- 1. Approve gaming site application for the Fraternal Order of Eagles #2237 at:
 - o Fraternal Order of Eagles #2237 – 313 North 26th Street
- 2. Introduction of and call for a public hearing on a request for a new Class I1 Restaurant Full Alcohol Liquor License for Big Dog Beverages, LLC.

E. Consider the request for approval from the Airport for the following:

- 1. Engineering Agreement with KLJ for the Wetland Removal Phase 8 Project.

F. Consider the request for approval from the City Attorney for the following:

- 1. Review and approval of purchase agreement for the property at 2830 N 19th Street.

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

- 1. Update on efforts to nominate Highland Acres to the National Register of Historic Places.
- 2. A request of the Bismarck-Mandan Metropolitan Planning Organization (MPO) for approval of an update to the City of Bismarck's Disadvantaged Business Enterprise (DBE) Program Plan for Transit.
- 3. The Request for Proposals for sale of 5th and Thayer site.

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

- 1. Professional services contract for a cultural resource monitoring and discovery on HC 128 Downtown Bismarck CPR project.
- 2. Amendment to Existing Agreement for Professional Services with KLJ for 43rd Avenue Reconstruction - HC 131.
- 3. Award concurrence of Bismarck Expressway Lighting and Railroad overpass repairs SHE-1-810(030)004 & CVD-NHU-1-810(029)004, PCN 23155 & 22905, City Projects HC 141 and 135.
- 4. Resolution approving plans and specifications and resolution directing the advertisement of bids and receive bids for Street Improvement District SI 563.
- 5. Street closure of North 2nd Street from East Main Avenue to East Broadway Avenue for a community event sponsored by CORE Real Estate Advisors.

I. Consider the request for approval from the Event Center for the following:

1. The annual stage show agreement with HB Sound.

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

1. Accept the bid received for weapons upgrade from Streicher's.

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

1. Proceed with 2022 lawn care services option one for city-owned property.
2. Change Order 3 to contract with Industrial Enterprises, Inc. for the Library Siding Project.
3. Award the bid for installation of painted pavement marking for Streets operations.
4. Award the bid for tree injections for Forestry operations.
5. Award the bid for the waste collection containers for Solid Waste operations.
6. Agreement for Facility Planning with Sitelogiq for the building condition assessment services project.

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

1. Apply for \$1.5 million in state funding for lead service line replacements.

4. REGULAR AGENDA

5. Receive and accept the proposed Water Treatment Plant Master Plan Report.

Kathryn Jones and Joe Honner reported on the proposed Water Treatment Plant Master Plan (WTPMP) and provided their recommendation. The WTPMP is designed to look 20 years into the future and take into consideration the community's continued growth. The current capacity is 28 million gallons per day, and it is anticipated production would need to reach 40 million gallons per day to support an additional 23,000 residents in 20 years. The WTPMP provides alternatives for future expansion and associated costs. It is anticipated that the 10-year plan that includes rehabilitation and renewal, hydraulic improvements, and expansion is estimated at \$83.3 million.

Commissioner Marquardt motioned to accept the plan as presented to include the recommendations within the report. Commissioner Guy seconded the motion.

Upon roll call, all voted aye. M/C

- <https://bismarcknd.gov/DocumentCenter/View/40143/WTP-Master-Plan>

6. Receive an update on the efforts of the Special Assessment Task Force.

Commissioner Guy, City Engineer Gabe Schell, City Attorney Jannelle Combs, and Special Assessment Task Force (SATF) Representative Dustin Gawrylow provided an update on the efforts of the Special Assessment Task Force. Commissioner Guy provided a history of the SATF that has met intermittently since its conception in 2017. Mr. Schell provided an

overview of the revenue requirement for street maintenance projects, the single fee vs. the tiered fee approach, an overview of the rate design, and a breakdown of potential costs associated with residential and commercial land uses. Attorney Combs provided background information and draft language relating to a home rule charter amendment, an advisory vote of the public, or a citizen-initiated ordinance amendment. Mr. Gawrylow provided comment as a member of the SATF. He expressed concerns he and other task force members still had regarding the task force's work. He recommended that the Commission create a working group subcommittee of five members, including Commissioner Splonskowski, Kevin Strege, Mike Schmitz, Kate Herzog, and Dustin Gawrylow. The subcommittee will report back to the Commission at the May 10, 2022, City Commission Meeting.

Commissioner Zenker motioned to approve the request to create the subcommittee of the SATF and have the subcommittee report to the Commission at the May 10, 2022 meeting. Commissioner Marquardt seconded the motion.

Upon roll call, all voted aye. M/C

- <https://bismarcknd.gov/DocumentCenter/View/40144/Special-Assessment-Task-Force-Update>
- <https://bismarcknd.gov/DocumentCenter/View/40154/Dustin-Gawrylow-SATF>

7. Public hearing on a new Class E Retail Beer Liquor License for John's Meat Market, Inc. at 928 East Interstate Avenue.

No member of the public appeared for comment.

Commissioner Zenker motioned 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 6500, a zoning change from the Conditional CA-Commercial zoning district to the Conditional CG-Commercial zoning district for Lot 1, Block 1, Cottonwood Parkview Addition, requested by Western Partners, LLP.

Ben Ehreth, Community Development Director, addressed the Commission regarding Ordinance 6500, a zoning change from the Conditional CA-Commercial zoning district to the Conditional CG-Commercial zoning district for Lot 1, Block 1, Cottonwood Parkview Addition, requested by Western Partners, LLP. During the public hearing, Tim Miller, David Massey, and Tammy Ibach spoke in support of the zoning change. Krisanna Peterson and Ian Sweep expressed urged the City to complete the road improvements that have already been planned before allowing new commercial use land in that area.

Commissioner Splonskowski motioned to approve the ordinance as presented, Commissioner Marquardt seconded.

Upon roll call, all voted aye. M/C

- <https://bismarcknd.gov/DocumentCenter/View/40153/Krisanne-Peterson-Letter>
- <https://bismarcknd.gov/DocumentCenter/View/40155/Ian-Sweep-Letter>

9. Public hearing on a request for an amendment to the Fringe Area Road Master Plan (FARMP) to relocate the future beltway alignment from the curve that is identified through the N½ of Section 7, Gibbs Township, to the adjacent arterial roadways 66th Street NE and 71st Avenue NE requested by Tim Staloch.

Ben Ehreth, Community Development Director, addressed the Commission regarding the Fringe Area Road Master Plan to relocate the future beltway alignment from the curve that is identified through the N½ of Section 7, T139N-R79W/Gibbs Township to the adjacent arterial roadways (66th Street NE and 71st Avenue NE).

Commissioner Splonskowski motioned to approve the ordinance as presented, Commissioner Guy seconded.

Upon roll call, all voted aye. M/C

10. Request for five-year reauthorization of Renaissance Zone Program.

Ben Ehreth, Community Development Director, Daniel Narin with the Community Development Department, and Jim Christenson, Chair of the Renaissance Zone Authority, addressed the Commission regarding a five-year reauthorization of the Renaissance Zone Program. The request is to seek initial support from the Commission with the understanding that Burleigh County, Bismarck Public School, and Bismarck Parks and Recreation District will be requested to support the five-year extension of the Renaissance Program. The Commission will take final action in the coming months.

Commissioner Zenker motioned to approve the request as presented, Commissioner Splonskowski seconded.

Upon roll call, all voted aye. M/C

- <https://bismarcknd.gov/DocumentCenter/View/40160/Renaissance-Zone-Presentation-PDF>

11. Receive presentation and recommendations on Ash Coulee Drive Reconstruction project HC 143 and provide direction to staff.

Adam McGill with KLJ gave a presentation on the Ash Coulee Drive Reconstruction project HC 143. Commissioners questioned the need for a roundabout and asked what other options were available. Mike Bittner with Bolton Menk Engineers answered commissioner questions regarding the difference between implementing a traffic signal instead of the roundabout. City Engineer Gabe Schell noted that a traffic signal in this corridor is not warranted based on traffic counts and projections. Although there are no federal funds associated with this project, installing a traffic signal at this location could jeopardize future federal funding for other street improvement projects.

Commissioner Zenker motioned to approve the request as presented, Commissioner Marquardt seconded.

Upon a roll call vote, Commissioners Marquardt, Zenker, Guy, and Splonskowski voted aye, and Mayor Bakken voted no. M/C

- <https://bismarcknd.gov/DocumentCenter/View/40145/Ash-Coulee-Drive-Reconstruction-project-HC-143>

12. Consider the request to Hear Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 564.

City Engineer Gabe Schell presented information regarding the protests on the insufficiency of protests on the resolution of necessity for Street Improvement District SI 564.

Commissioner Zenker motioned to approve the request. Commissioner Guy seconded the motion.

Upon roll call, all voted aye. M/C

13. Request to receive bids and award contract for Water Utility Project WU 137.

City Engineer, Gabe Schell, requested to receive bids and award the contract for Water Utility Project WU 137.

Commissioner Marquardt motioned to approve the low bid submitted by Basaraba in the amount of \$3,289,921.00. Commissioner Splonskowski seconded the motion.

Upon roll call, all voted aye. M/C

14. Consider the request to authorize the resolution for the issuance of the Lodging and Restaurant Tax Refunding Bonds, Series 2022, to refund the Lodging and Restaurant Tax Bonds, Series 2013, and approve Colliers Securities, LLC, as the placement agent for this negotiated bond sale.

Commissioner Zenker motioned to approve the request. Commissioner Guy seconded the motion.

Upon roll call, all voted aye. M/C

Other Business

Commissioner Marquardt would like to meet with Bismarck Police Department, Bismarck Fire Department, and CenCom to discuss issues with dispatching. Commissioner Marquardt invited Commissioner Splonskowski as the PD portfolio holder to join the meeting. Commissioner Splonskowski accepted.

Mayor Bakken addressed the commission about the notices the City of Bismarck's Assessing Division sent out regarding the 2022 real estate valuation increases. Property owners with a property value increase of \$3,000 and 10% or more of the prior year's assessed value. The primary reason for the notice of increase is the increased demand for property and volume of property sales in the City of Bismarck. Property owners who have questions are encouraged to contact the City of Bismarck Assessing Division before April 6, 2022.

Adjourn

There being no further business, the meeting adjourned at 9:35 PM.

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