

MEETING OF THE BOARD OF CITY COMMISSION
March 26, 2019

The Board of City Commission met in regular session on March 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.

A Chaplain of the Bismarck Law Enforcement Chaplaincy presented the invocation and the Pledge of Allegiance.

1. Commissioner Marquardt moved to approve the minutes of the March 12, 2019 Regular Commission meeting. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C
2. Commissioner Marquardt moved to approve the consent agenda. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C
 - A. Voucher numbers: 1086149-1086379
 - B. Personnel actions.
 - C. Administration Department:
 1. Liquor license renewal for the Lewis and Clark Riverboat from August 1, 2019 through July 31, 2020.
 2. Introduction of and Call for a Public Hearing on a New Class I-2 Beer and Wine Only Liquor License for Eat Thai Cafe located at 409 Riverwood Drive.
 3. Introduction of and Call for a Public Hearing on a New Class B Airport Concession Liquor License for The Junction located at 2301 University Drive.
 - D. City Attorney:
 1. Introduction of and Call for a Public Hearing on Ordinance 6373, relating to Solid Waste Management definitions.
 2. Introduction of and Call for a Public Hearing on Ordinance 6374, relating to weed control-costs assessed to properties.
 3. Introduction of and Call for a Public Hearing on Ordinance 6375, relating to the rules for operation of all-terrain vehicles.
 4. Assignment and Assumption of Note Obligations, Fannie Mae standard Subordination Agreement, Second Modification of Deed of

Architectural Facade Easement and Subordination Agreement relating to the Patterson Place.

- E. Community Development Department:
 - 1. Request of Boustead Enterprises, LLC for the release of the stormwater and drainage easements within Lots 1 and 18-22, Block 1, Huntington Cottages Addition, and dedication of stormwater and drainage easement on Lots 21 and 22. Staff recommends approval.
 - 2. Resolution to establish a 2020 Census Complete Count Committee. Staff recommends approval.
 - 3. Reconsider the revised final plat for Washington Square Addition.

- F. Engineering Department:
 - 1. Street closure for 7th Annual BisMarket.
 - 2. Sale of two Engineering Department vehicles at the 2019 Police Auction.
 - 3. Release of stormwater easement in Lot 1, Block 1 of 1 K.M.K. Estates contingent upon the recording of the Washington Square Addition plat.
 - 4. North Dakota Department of Transportation Cost Participation, Construction and Maintenance Agreement.
 - 5. Accept water, sanitary sewer, storm sewer, and roadway easements.

- G. Finance Department – Assessing Division:
 - 1. Application for property tax abatement 2018, Disabled Veteran Credit at 2033 N Washington St. #10.
 - 2. Application for property tax abatement 2017 and 2018, Disabled Veteran Credit at 3107 Hampton Street.
 - 3. Application for property tax abatement 2018, Disabled Veteran Credit at 1032 Pleasant St.

- H. Human Resources Department:
 - 1. Business Scholarship agreement with the University of Mary.

- I. Public Works Utility Operations Department:
 - 1. Task Order Number 8 with AE2S for the 2019 lime slaking expansion at the Water Treatment Plant.
 - 2. Sole source purchase of CO2 relief valves for the Water Treatment Plant.

3. REGULAR AGENDA

4. Proclamation declaring the month of April as Fair Housing Month in the City of Bismarck.

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5. Proclamation declaring April 5, 2019 as Wear Blue Day in the City of Bismarck.
6. Public comment (restricted to items on the Regular Agenda, excluding public hearing items). Mandy Persson commented on item 15; Mark Hert, Rocky Gordon, Sister Kathleen Atkinson, Dwight Barden provided comments on item 17.
7. The Commission received an update on the Chamber EDC efforts and activities from Brian Ritter, President of the Bismarck Mandan Chamber EDC.
8. Mayor Bakken provided a portfolio report.
9. The Commissioner President called for the Public Hearing Ordinance 6371, a request for a zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district on part of Lot 1, Block 3, Northern Pacific Addition, requested by Jake Axtman.

Jake Axtman, Blaine Nordwall, Emily Ulmen, Rebeca Flanigan, Mike Ulmen, David Witham, Paula Nordwall, Blaine Mehlhoff and Anne Cleary provided comment.

Commissioner Oban moved to deny the second reading and final passage of Ordinance 6371 for discussion purposes. Commissioner Guy seconded the motion. Upon a roll call vote, Marquardt, Zenker, and Bakken nay. Guy and Oban aye. Motion failed.

The Commission discussed the request.

Commissioner Marquardt moved to approve the second reading and final passage of Ordinance 6371. Commissioner Zenker seconded the motion. Upon a roll call vote, Marquardt, Zenker, Oban and Bakken aye. Guy nay. M/C

10. The Commission President called for the Public Hearing on Ordinance 6372, relating to a snow emergency route change.

No member of the public appeared for comment.

Commissioner Oban moved to approve the second reading and final passage of Ordinance 6372 as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

11. The Commission President called for the Public Hearing on the Resolution of Necessity for Street Improvement District 525.

Richard Peck, Mike O’Keeffe, Larry Sailer, Arnold Shimke, Blaine Mehlhoff, George Saxowsky provided comment.

Commissioner Oban moved to approve the Resolution of Necessity for Street Improvement District 525 as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

12. The Commission President called for the Public Hearing on the Resolution of Necessity for Street Improvement District 526.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the Resolution of Necessity for Street Improvement District 526. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

13. The Commission considered the request from Denizen Partners to extend the closing date for the property at 630 East Main Avenue.

Commissioner Zenker moved to approve extending the closing date to July 15, 2019 for the property at 630 East Main Avenue. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

14. The Commission considered the request from the Administration Department for a review, discussion and approval of the 2019 Legislative Report #5. City Administrator Keith Hunke presented the report.

15. The Commission considered the request from the City Administration Department to receive an update on the BNSF Missouri River Railroad Bridge Repurposing Feasibility Study. Assistant City Administrator Jason Tomanek provided the update.

Commissioner Guy moved to approve not contributing city funds for the project, for the City to remain without a position on the study, and to continue to have the Assistant City Administrator continue as the liaison. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

16. The Commission considered the request from the Administration Department to receive an update on the Strategic Plan Project. Assistant City Administrator Jason Tomanek provided the update.

Commissioner Oban moved to approve the Call for Projects as presented with the deadline being no later than May 30, 2019 and to have the Strategic Plan Committee

provide the vetting of the projects and present them to the commission. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

17. The Commission considered the request from the City Attorney to discuss minimum habitability standards. City Attorney Jannelle Combs provided the update.

Commissioner Oban moved to table the item until the next commission meeting. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

18. The Commission considered the request from the Community Development Department for the appointments of Blake Dinkins Architecture 1 year, Beth Nodland Archeology/History 1 year, Tory Jackson History 2 years, Walter Bailey History/Architecture History 2 years, Calvin Grinnell History 3 years, Amy Sakariassen History/Architecture History 3 years, Commissioner (to be selected) City Commission Term.

Commissioner Oban moved to approve the appointments as presented and appoint Mayor Bakken to fill the City Commission term. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

19. The Commission considered the request from the Engineering Department to Receive Bids and Award the Contract for Street Utility Project SV 52. Edling Electric was the low bidder in the amount of \$158,350. Others submitting bids were Strata Corporation \$170,890, and Fetzer Electric \$170,000.

Commissioner Marquardt moved to award the bid to Edling Electric as the lowest bidder in the amount of \$158,350. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

20. The Commission considered the request from the Engineering Department to receive bids and award the contract for Sewer Utility Project No. 58 - Phase B. BEK Consulting, LLC was the low bidder in the amount of \$505,131. Others submitting bids were Cofell's Plumbing and Heating, Inc \$669,000, Markwed Excavating, Inc. \$616,610.65 and Wagner Construction, Inc. \$770,188.50.

Commissioner Marquardt moved to award the bid to BEK Consulting, LLC in the amount of \$505,131 and to allow the Public Works Utility Operations Department to use sewer funding from three 2019 CIPs to cover the costs relating to the BEK contract while the legal issues are being resolved. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

21. The Commission considered the request from the Engineering Department to receive and award the contract for 2 Lane to 3 Lane Highway Safety Improvement

Project to Traffic Safety Services, Inc. and authorize the use of sales tax funds in the amount of \$29,372.42.

Commissioner Guy moved to award the bid to Traffic Safety Services, Inc. and authorize the use of sales tax funds in the amount of \$29,372.42.as the lowest bidder in the amount of \$29,372.42. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

22. The Commission considered the request for approval from the Public Works Service Operations Department to award the bid for one or more front-end loaders for the Solid Waste Division. Butler Machinery was the low bidder in the amount of \$212,400. Others submitting bids were General Equipment and Supplies \$239,100, RDO Equipment Co. \$232,979, and Titan Machinery Bismarck \$265,333.

Commissioner Oban moved to award the contract for one or more front-end loaders for the Solid Waste Division to Butler Machinery as the low bidder in the amount of \$212,400. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

Having completed the items on the agenda, President Bakken asked if there was any other business. The meeting was declared adjourned at 10:24 p.m.