



## MEETING OF THE BOARD OF CITY COMMISSIONERS

4/12/2022 - Minutes

### Call to Order

The Board of City Commissioners met in regular session on April 12, 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 Marquardt, Commissioner Zenker, and Mayor Bakken.

Commissioner Guy and Commissioner Splonskowski participated via zoom.

### FUTURE COMMISSION MEETINGS:

- 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. National Public Safety Telecommunications Week Proclamation

The Mayor read the proclamation declaring April 10th – 16th, 2022 as National Public Safety Telecommunications Week in the City of Bismarck.

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

#### 3. CONSENT AGENDA

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

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

1. Vouchers 1103395-1103635.

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

1. Approve gaming site application for Furry Friends Rockin Rescue:
  - Bismarck Brewing – 1100 Canada Avenue #1
  - Gideon's Brewing Company - 107 North 5th Street
2. Introduction of and call for a public hearing on a request for a new Class C Hotel/Motel liquor license for Amkota, LLC (dba) Amkota Hotel & Conference Center at 800 South 3rd Street.
3. Approve renewal of liquor license from August 1, 2022, to July 31, 2023.
  - Lewis & Clark Riverboat / Fort Abraham Lincoln Foundation – 1700 River Road
4. Request for a letter of support from Buena Fe Structures, LLC.

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

1. Receive and consider bids for a 5 cubic yard loader.
2. Sale of surplus/obsolete items at Police Auction.
3. Sell or dispose of 1998 Ford Expedition at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05.

F. Consider the request for approval from the Bismarck-Burleigh Public Health for the following:

1. Permission to accept donations for the Women's Way Program.

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

1. Minor subdivision final plat of Cottonwood Parkview Addition First Replat, requested by EWR Bismarck Land South, LLC and Wachter Family Revocable Trust. The Bismarck Planning and Zoning Commission recommends approval.
2. Minor subdivision final plat of Northern Sky Second Addition First Replat, requested by Wilment Development, LLC. The Bismarck Planning and Zoning Commission recommends approval.
3. Request on behalf of Bis-Man Transit to submit an application for the 2022 Fiscal Year, Section 5339 grant funding.
4. Request for approval of the public sale of surplus property.

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

1. Resolution receiving bids and ordering the preparation of the engineer's statement and resolution awarding contracts for the construction of sidewalk, curb and gutter and driveways 2022, CC2022 – Parts A & B.

2. Resolution receiving bids and ordering the preparation of the engineer's statement and resolution awarding the contract for Street Improvement District SI 559A.
3. Resolution receiving bids and ordering the preparation of the engineer's statement and resolution awarding the contract for Street Improvement District SI 559B.
4. Resolution receiving bids and ordering the preparation of the engineer's statement and resolution awarding the contract for Street Improvement District SI 560.
5. Resolution receiving bids and ordering the preparation of the engineer's statement and resolution awarding the contract for Street Improvement District SI 562.
6. Resolution receiving bids and ordering the preparation of the engineer's statement and resolution awarding the contract for Street Improvement District SI 564.
7. Receive bids and award contract for Sewer Utility Project SU 85.
8. Development Agreement with Blue Water Development, LLC.
9. Letter of support to Burleigh County for Bipartisan Infrastructure Law of 2021 (BIL) grant funding application.
10. Encroachment agreement for hanging banners on City-owned light poles at 414 West Sweet Avenue.
11. Dedication of and acceptance of a sidewalk easement on Lot 7, Block 1 of Northern Plains Commerce Center Second Addition.
12. Dedication and acceptance of an offsite sanitary sewer and watermain easement parallel to the north line of Halverson Avenue, Silver Ranch 3rd Addition.

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

1. 2021 budget adjustment for the Hotel / Motel Tax Fund.

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

1. Enter into Source Well Contract for the purchase of a fire engine.

K. 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 properties.

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

1. Permission to apply for APWA grant for Public Works Day Celebration.

2. Permission to enter into the second option year of the stump removal contract with Beaver Creek Tree Service for 2022.
3. Additional Building Service Worker to the Building Maintenance Division.
4. Permission to sell Public Works inventory at the City Auction.
5. Award bid for LED Luminaires for Public Works Service Operations.
6. Permission to purchase office furniture under the State of North Dakota bid contract for the 2022 budget year.
7. Permission to close out competitive bidding for skylight weathercoat reconditioning at the Public Works Building without a bid award.
8. Award the bid for traffic signal video detection systems.

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

1. Engineering Services Agreement with HDR Engineering, Inc. for the Water Treatment Plant Filters 1-6 Face Piping Replacement and 12 MGD Accelerator Effluent Pipe Improvements Project.

#### 4. REGULAR AGENDA

5. Receive an update from Brian Ritter regarding the Bismarck-Mandan Chamber EDC's activities and efforts.

Brian Ritter provided an update on the Bismarck-Mandan Chamber EDC. Mr. Ritter started by discussing Bismarck-Mandan's economic development, specifically manufacturing and agriculture. Mr. Ritter reported on the 2021 tax collections, job openings, school enrollments, and population growth and projections. Mr. Ritter concluded by highlighting upcoming projects, including business advocacy, small business support, and the Economic Development Strategic Plan.

<https://bismarcknd.gov/DocumentCenter/View/40257/Bismarck-Mandan-Chamber-EDC-Presentation-PDF>

6. Public hearing on a new Class I-1 Restaurant Full Alcohol Liquor license for Big Dog Beverages, LLC at 307 South 3rd Street.

No member of the public appeared for comment.

Commissioner Marquardt motioned to approve the new license as presented.  
Commissioner Zenker seconded the motion.

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

7. Request of Brock and Shaunda Norrie to release the 15-foot maintenance and access easement between Lot 45 and Lot 46, Block 3, Whispering Bay.

Ben Ehreth, Community Development Director, addressed the Commission regarding the request of Brock and Shaunda Norrie to release the 15-foot maintenance and access easement between Lot 45 and Lot 46, Block 3, Whispering Bay. Landon with Swenson Hagen

& Company addressed the Commission to answer a question regarding future access to the easement.

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

Upon roll call, all voted aye. M/C

8. Request of the City of Bismarck to release the trackage and utility easement in part of Lots 3-11, Block 1, Sloven Second Subdivision and the utility easement in Lots 6-10, Block 2, Sloven Second Subdivision.

Ben Ehreth, Community Development Director, addressed the Commission regarding the request to release the trackage and utility easement in part of Lots 3-11, Block 1, Sloven Second Subdivision, and the utility easement in Lots 6-10, Block 2, Sloven Second Subdivision.

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

Upon roll call, all voted aye. M/C

9. Consider the request for resolution receiving bids, ordering preparation of the engineer's statement and request for resolution awarding contract for Street Improvement District SI 563.

City Engineer, Gabe Schell, requested to receive bids and award the contract for Street Improvement District SI 563.

Commissioner Zenker motioned to approve the low bid submitted by Strata Corporation in the amount of \$508,329.27. Commissioner Marquardt seconded the motion.

Upon roll call, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/40255/SI-563---9-Bid-Summary-and-Budget-PDF>

10. Consider the request to receive bids and award contract for Streetlight and Traffic Signal Utility Project SV 63.

City Engineer, Gabe Schell, requested to receive bids and award the contract for Streetlight and Traffic Signal Utility Project SV 63.

Commissioner Zenker motioned to approve the low bid submitted by Edling Electric in the amount of \$203,800.00. Commissioner Marquardt seconded the motion.

Upon roll call, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/40256/SV-63---10-Bid-Summary-and-Budget-PDF>

11. Request to go into executive session under NDCC 44-04-19.1(9) for contract negotiation /

negotiation strategy.

Commissioner Zenker made a motion to enter executive session under NDCC 44-04- 19.1 (9), Commissioner Marquardt seconded.

Upon roll call, all voted aye. M/C

Entered session at 6:02 PM.

Executive session ended at 6:37 PM.

Regular session was reconvened at 6:38 PM with roll call. All present. Motion to approve contract negotiation strategy as discussed during the executive session was made by Commissioner Guy, seconded by Commissioner Zenker.

Upon roll call Commissioners Zenker, Guy, Splonskowski, and Marquardt voted aye, Mayor Bakken nay. M/C

#### Other Business

1. Community Development Director Jeff Heintz addressed the Commission regarding the snow removal operations for the storm that started on Tuesday, April 12, 2022. Director Heintz stated that he will be declaring a Snow Emergency at 7:00 PM. The need for the snow emergency declaration is to help maintain snow emergency routes for emergency vehicles. Due to the heavy, snow and large accumulations, the snow gates will not be able to perform as designed.
2. City Administrator Keith Hunke addressed the Commission about the decision to close City buildings on Wednesday, April 13, 2022, due to hazardous road conditions. The decision regarding resuming operations will be made late Wednesday, April 13, 2022, or early Thursday, April 14, 2022.

Adjourn

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