

MEETING OF THE BOARD OF CITY COMMISSION
April 23, 2019

The Board of City Commission met in regular session on April 23, 2019 at the hour of 5:23 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 Oban moved to approve the minutes of the April 5, 2019 Special Commission meeting and the April 9, 2019 Regular Commission meeting. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C
 - A. Voucher numbers: 1086617-1086869
 - B. Personnel actions.
 - C. Airport:
 1. Award the lease for the Airport farmland and enter into the standard farmland lease agreement with Michael Rogstad as the high bidder.
 2. Award the contract for Airport hay land, Tract #1 and Tract #2, to Mark Berger as the high bidder.
 3. One month rent abatement for Blue Wing Holdings, LLC.
 - D. Bismarck-Burleigh Public Health Department:
 1. Authorization to apply for Walmart Foundation Community Grant program.
 - E. Community Development Department:
 1. Appointment of Kyle Holwagner to the Bismarck Parking Authority.
 2. Request of the Bismarck-Mandan MPO, on behalf of Bis-Man Transit, for approval to submit a Fiscal Year 2020 Section 5310 grant application to the North Dakota Department of Transportation.
 3. Request of Bismarck-Mandan MPO for approval of the updated Designated Signature Authority documents.
 4. Request of Bismarck-Mandan MPO for approval of TrAMS User Manager and User Role Designations.
 5. Request of the Bismarck-Mandan MPO, on behalf of Bis-Man Transit, to submit a Fiscal Year 2020 Night Time Demand Response Service Funding grant application.

- F. Engineering Department:
 - 1. Receive bids and award the contract for Water Utility Project 127.
 - 2. Receive bids and award the contract for Water Utility Project 125.
 - 3. Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for Street Improvement Number 527.
 - 4. Seating area encroachment agreement with Anima Cucina at 101 North Fifth Street.
 - 5. Development agreement with HMP Development, LLC regarding Washington Square Addition.
 - 6. Development agreement with Denizen Partners regarding improvements in the public right of way adjacent to 630 East Main Avenue.
 - 7. Award the contract for the Main Avenue 3-Lane Conversion Project - HC 115 to Strata Corporation.

- G. Finance Department:
 - 1. Revised 2020 Budget Schedule.

- H. Finance Department – Assessing Division:
 - 1. Application for property tax abatement for 2018, functional and economic obsolescence at 212 N 4th St.

- I. Fire Department:
 - 1. Authorize the purchase of breathing apparatus and the trade-in of existing units.

- J. Public Works Service Operations Department:
 - 1. The contract for professional design services, contract administration, and construction observation for boiler replacement and additions at the Public Works Building with EngTech for \$39,000.
 - 2. Task Order No. 19-01 to the agreement with Houston Engineering for professional engineering services for solid waste operations.
 - 3. Task Order No. 19-02 to the agreement with Houston Engineering for professional engineering services for solid waste operations.
 - 4. Award the bids for the 2019 hay land mowing.
 - 5. Authorization to apply for the North Dakota Forest Service - America the Beautiful - Tree Planting Grant.

- K. Public Works Utility Operations Department:
 - 1. Authorization of the sole source purchase of a hydrogen sulfide meter from Tech Sales Company in the amount of \$24,952 for the Wastewater Treatment Plant.

Commissioner Guy moved to approve the consent agenda. Commissioner Zenker asked to pull items F5 and F7 for discussion and approve all other items on the consent agenda. Upon a roll call vote, all voted aye. M/C

Gabe Schell, City Engineer addressed the Commission regarding items F5 and F7 for discussion.

Commissioner Zenker moved to approve item F5 of the consent agenda. Commissioner Marquardt seconded the motion. On a roll call vote, all voted aye. M/C

Commissioner Zenker moved to table item F7 until the next commission meeting. Commissioner Oban seconded the motion. Upon a roll call vote, Commissioner Marquardt, Zenker, and Oban aye. Commissioner Guy and Mayor Bakken nay. M/C

3. REGULAR AGENDA

4. Proclamation declaring May 3, 2019, as Arbor Day of in the City of Bismarck.

5. Proclamation declaring May 19-25, 2019 as National Public Works Week in the City of Bismarck.

6. Public comment (restricted to items on the Regular Agenda, excluding public hearing items). Dale Sandstrom: item 10, he suggests that the commission take a pause with the implementation of the new water utility rates and receive additional public comment. He does not feel that there was a fair notice to the public. Nolan Canright: item 10, he feels the way that the square footage used for the structure of the rate was unfair. Mark Fetch: item 9, alcohol discussion, Tim Meyers: item 10, he echoes what Mr. Sandstrom and Mr. Canwright presented and asked that the commission take pause and let there be more public input and comment. Dean Mastel: item 10, he suggested that the commission take roll back and re-evaluate the water rate structure.

7. Commissioner Marquardt provided his portfolio report.

8. The Commission received a report and presentation from Shor-Elliott-Hendrickson Inc. regarding the East Century Avenue Bridge Study.

9. The Commission considered the request from the City Attorney to continue discussion on liquor license structure. City Attorney Jannelle Combs provided the update.

Commissioner Oban moved to direct staff to draft an ordinance change the liquor license code to go to an estimated census for Class D & E liquor licenses and to add a Senior Living facility license. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

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10. The Commission held a discussion of the Public Works Water Utility billing rates. Michelle Klose, Public Works Utility Operations Director addressed the commission.

Commissioner Zenker moved to re-evaluate the utility rate structure. There was no second to his motion, motioned failed.

11. The Commission President called for the Public Hearing for the Community Development and the Bis-Man Transit Board of Transit Development Plan.

Members of the public that addressed the commission were: Justin Neice, Betty Jean Olson, and Trevor Vannette all spoke about not cutting the hours of Paratransit.

Commissioner Marquardt moved to accept the Transit Development Plan. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

12. The Commission President called for the Public Hearing on the Utility Franchise Agreement with Montana-Dakota Utilities Company.

Craig Lohstreter representing Montana-Dakota Utilities Company addressed the commission.

Commissioner Marquardt moved to approve the Utility Franchise Agreement with Montana-Dakota Utilities Company as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

13. The Commission President called for the Public Hearing on Ordinance 6376, a request for a zoning change from the Conditional RT-Residential zoning district to the RT-Residential zoning district on Lot 1, Block 2, Good Shepherd North Addition, requested by Atlas Boultrous and Ronald Knutson.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve second reading and final passage of Ordinance 6376 as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

14. The Commission President called for the Public Hearing on Street Improvement District 528 on the Resolution of Necessity.

No member of the public appeared for comment.

Commissioner Oban moved to approve the Resolution of Necessity for Street Improvement District 528. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

15. The Commission President called for the Public Hearing on Ordinance 6377, a request for the annexation of Auditor's Lot 6A of Lot 6, part of Auditor's Lot 7, and part of Auditor's Lot 8B of Lot 8 in the NE ¼ and SE¼ of Section 1, T138N- R80W/Lincoln Township and Lots 1-15, Block 1, Lots 1-11, Block 2, Lots 1-11 and Lot 22, Block 3, Lots 1-8, Block 5, Lot 1, Block 9 and Lot 1, Block 10, Clear Sky Addition; PUBLIC HEARING on Ordinance 6378, a request for a zoning change from the A-Agriculture zoning district to the R5-Residential and P-Public zoning districts for Clear Sky Addition; Approval of Final plat of Clear Sky Addition and Approval of Park Development Agreement.

Mike Bossert, Betty Fettig, Greg Hartze, Harvey Schneider, Donovan Voeller, and Stephanie Michaels provided comment relating to item 15.

Commissioner Zenker moved to approve the second reading and final passage of Ordinance 6377; Ordinance 6378; approval of the Final plat of Clear Sky Addition and Approval of the Park Development Agreement. Commissioner Marquardt seconded the motion for discussion purposes. Upon a roll call vote, Commissioner Marquardt, Guy, Oban nay, Commissioner Zenker and Mayor Bakken aye. Motion to approve failed.

16. The Commission considered the request from Todd Neff/Pine Properties, LLC for designation of the purchase of a Primary Residential Purchase Renaissance Zone Project at 100 West Broadway Avenue.

Commissioner Zenker moved to approve the Primary Residential Purchase Renaissance Zone Project at 100 West Broadway Avenue. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

17. The Commission considered the request for approval from the Community Development Department on behalf of Bis-Man Transit of the Fiscal Year 2019 Section 5307 Transit Operations grant application; and the Fiscal Year 2020 Section 5339 North Dakota Department of Transportation grant application.

Commissioner Marquardt moved to approve the request as presented. Commissioner Guy 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 a discussion of modifications to Title 10 Public Places and Property Franchises and Title 14 Subdivision Design Standards.

Commissioner Zenker moved to have staff continue discussions of modifications to Title 10 Public Places and Property Franchises and Title 14 Subdivision Design Standards. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

19. The Commission considered the request from the Engineering Department for the Resolution Receiving Bids and Ordering Preparation of Engineer's Statement for Sewer Improvement District Number 563, and the Resolution Awarding the Contract for Sewer Improvement District Number 563 to Weisz & Sons, Inc. as the lowest bidder in the amount of \$1,388,989.50. Jensen Brothers Construction Inc. also submitted a bid \$1,729,366.71.

Commissioner Oban moved to approve the request as presented and award the bid to Weisz & Sons, Inc. in the amount of \$1,388,989.50. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

20. The Commission considered the request from the Engineering Department for the Resolution Rejecting the Bid from Knife River for Part B-2 of District CC19, Resolution to Close Part B-2 of District CC19, and to Direct staff to prepare a bid package to replace Part B-2 of District CC19 with Part B-3.

Commissioner Zenker moved to approve the request as presented. 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 Bids and Award Contract for Water Utility Project 126 to Basaraba Excavating as the lowest bidder in the amount of \$978,600. Kemper Construction Co. also submitted a bid \$1,187,000.20.

Commissioner Guy moved to award the bid to Basaraba Excavating in the amount of \$978, 600. 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 10:07 p.m.