



## MEETING OF THE BOARD OF CITY COMMISSIONERS

5/10/2022 - Minutes

### Call to Order

The Board of City Commissioners met in regular session on May 10, 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:

- May 24, 2022
- June 14, 2022 & June 28, 2022
- July 12, 2022 & July 26, 2022

### MISSION STATEMENT

Mayor Bakken read the mission statement.

### MEETING OF THE BOARD OF CITY COMMISSION

#### 1. **Bike Month Proclamation 2022**

Mayor Bakken read a proclamation declaring May 2022 as Bike Month in the City of Bismarck.

<https://bismarcknd.gov/Archive.aspx?ADID=2944>

#### 2. **Law Enforcement Memorial Week Proclamation 2022**

Mayor Bakken read a proclamation declaring May 11-17, 2022, as Law Enforcement Memorial Week in the City of Bismarck.

<https://bismarcknd.gov/Archive.aspx?ADID=2945>

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

There was no public present for comment.

#### 4. CONSENT AGENDA

Commissioner Guy motioned to approve as presented, Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

- A. Consider approval of minutes
- B. Consider approval of expenditures

Vouchers 1104177 to 1104408.

- C. Consider approval of personnel actions
- D. Consider the request for approval from the Administration Department for the following:

1. Approve gaming site application for the following:

- Bismarck Cancer Center Foundation
  - Bismarck Cancer Center – 500 North 8th Street
  - Bismarck Municipal Ballpark – 303 West Front Avenue
- Companions for Children
  - Buffalo Wings & Rings – 4424 North 15th Street
- Cystic Fibrosis Association of North Dakota
  - Cheap Shots – 3938 Miriam Avenue
  - Shelter Belt – 307 North 3rd Street
- Horse Race North Dakota
  - Golf Etc. – 511 Airport Road
  - Sickies Garage, Bismarck – 3130 14th Street North
- ND Chapters of Delta Waterfowl
  - Bismarck Hotel & Conference Center – 800 South 3rd Street
- North Dakota Association for the Disabled, Inc.
  - Pub 21 – 1014 South 12th Street
- Prairie Public Broadcasting, Inc.
  - Dakota Skies Bingo – 825 South 8th Street

- E. Consider the request for approval from the City Attorney for the following:

1. Introduction and call for a public hearing on Ordinance 6501 to enact new Bismarck Ordinances for hate crimes.

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

1. Introduction of and call for a public hearing on Ordinance 6502, a request for a zoning change from the A – Agriculture, R5 – Residential, and R10 – Residential zoning districts to the R5 – Residential, R10 – Residential, P – Public zoning districts for Elk Ridge Third Addition, requested by Tyler Coulee, LLP, Bismarck North Developers, LLC, Ron Knutson, Henry and Jeanette Albers, and Paulette Thurn and Michael Hoffman.
2. Introduction of and call for a public hearing on Ordinance 6503, a request for the annexation of part of Elk Ridge Third Addition, requested by Tyler Coulee, LLP, Bismarck North Developers, LLC, Ron Knutson, Henry and Jeanette Albers, and Paulette Thurn and Michael Hoffman.
3. Introduction of and call for a public hearing on Ordinance 6504, a request for a zoning change from the A-Agricultural and R5-Residential zoning districts to the R5-Residential, R10-Residential, and Conditional RT-Residential zoning districts, requested by Ron and Ruth Knutson.
4. Introduction of and call for a public hearing on Ordinance 6505, a staff-initiated zoning ordinance text amendment relating to allowing data centers as a special use.
5. Minor subdivision final plat of Shamrock Industrial Park First Replat, requested by Divide Apartments, LLC.
6. Consider application for Volkswagen settlement grant funds.
7. The request of Bis-Man Transit to decommission and dispose of one (1) fixed-route bus.

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

1. The development agreement with DnS Investment, LLP.
2. The access easement on 1143 North 26th Street, Lord of Life Lutheran Church.
3. The temporary license to use premises agreement for the June 11, 2022, Medieval Rush event.
4. The dedication and acceptance of Right-of-Way and Utility Easements for Tyler Parkway located in Sections 18 and 19 Township 139 North Range 80 West.
5. North Dakota Department of Transportation (NDDOT) Cost Participation, Construction, and Maintenance Agreement for Bismarck Public School Safety TAU-1-981(124), City Project HC 136.
6. North Dakota Department of Transportation (NDDOT) Cost Participation, Construction, and Maintenance Agreement for Bismarck Expressway Pedestrian Facility TAU-1-981(128), City Project HC 150.
7. Resolution declaring petitions for improvements have been received, resolution creating district and ordering preparation of preliminary report, and resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 567.
8. Resolution declaring petitions for improvements have been received, resolution creating district and ordering preparation of preliminary report, and resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 568.

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

1. Application for Abatement for the following where the Assessing Division recommends approval:
  - o 2104 Northridge Drive (0445-013-085) - James & Roxanne Wells - Disabled Veteran (2021)
  - o 1908 Valley Drive (0943-003-005) - Darrin & Denise Anderson - Disabled Veteran (2021)

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

1. Purchase of an Infrared Hazardous Materials Detection Device referred to as a Fourier-Transform Infrared FT-IR Spectroscopy Device.
2. Permission for the City of Bismarck to apply for funding from the State Homeland Security Grant Program to assist with local efforts to enhance physical security to protect soft targets/crowded places.

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

1. Permission for the Police Department to solicit donations to support the 2022 Annual Bismarck Police Department Benefit Golf Tournament.
2. Permission to solicit donations for door prizes to be given away at the Community Event known as the Tri-City Community Picnic held on August 27, 2022.

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

1. Permission to purchase 4 loader plows for Roads & Streets operations.
2. Permission to close competitive bidding for skylight weathercoat recondition at the Public Works Building without bid award and permission to seek contract negotiations with SpecPro, Inc.

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

1. Permission to purchase portable radios for the Waste Water Treatment Plant under the State of North Dakota bid contract.
2. Permission to pursue grant funding from the State Water Commission for water infrastructure.
3. Permission to enter into a Water Service Contract with Journey Campground Bismarck LLC.
4. Permission to award hayland mowing bids at the Waste Water Treatment Plant.

5. REGULAR AGENDA

6. Commissioner Portfolio Report - Commissioner Zenker

Commissioner Zenker gave a portfolio presentation to the Commission.

<https://bismarcknd.gov/DocumentCenter/View/40466/Commissioner-Zenker-Portfolio-Presentation-5102022-PDF>

7. Receive an update on the Yondar History & Mystery Scavenger Hunt from Alexander Mabin with Agency MABU/InnovatAR.

Alexander Mabin updated the commission regarding the Yondar History & Mystery Scavenger Hunt. Jason Tomanek, Assistant City Administrator, and Charlie Jeske, Event Center Director provided information regarding events planned for the Bismarck 150th Anniversary Kick-Off at the Bismarck Event Center.

8. Continued public hearing on a new Class C Hotel/Motel Liquor License for Kirkwood Hotel, LLC (dba) Bismarck Hotel & Conference Center at 800 South 3rd Street.

No member of the public appeared for comment.

Commissioner Marquardt motioned to approve the new license as presented. Commissioner Splonskowski seconded the motion. Upon a roll call vote, all voted aye. M/C.

9. Consider the request to pursue a zoning ordinance text amendment to allow agency foster homes for adults within the R5 and R10 zoning designations to better align with North Dakota Century Code and North Dakota Administrative Code.

Ben Ehreth, Community Development Director, addressed the Commission regarding a change to allow Agency Foster Homes for Adults within the R5 and R10 zoning designations.

Commissioner Splonskowski motioned to approve the request for staff to pursue an ordinance amendment to Title 14 allowing Agency Foster Homes for Adults within the R5 and R10 zoning designations. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C.

10. 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 565 and Sewer Improvement District SE 581.

City Engineer, Gabe Schell, requested resolutions to receive bids, order preparation of the Engineer's Statement, and reject opened bids for Street Improvement District SI 565 and Sewer Improvement District SE 581. The bids received were over the 40 percent threshold allowable by North Dakota Century Code. The Engineers will prepare a new statement based on the updated information provided for the project.

Commissioner Zenker motioned to approve the request as presented. Commissioner Splonskowski seconded the motion. Upon a roll call vote, all voted aye. M/C.

<https://bismarcknd.gov/DocumentCenter/View/40481/Bid-Summary---SI565-SE581>

11. 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 566.

City Engineer, Gabe Schell, requested resolutions to receive bids, order preparation of the Engineer's Statement, and award the contract for Street Improvement District SI 566.

Commissioner Splonskowski motioned to approve the low bid submitted by Strata Corporation in the amount of \$680,288.89. Commissioner Guy seconded the motion. Upon roll call, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/40479/Bid-Summary---Project-Budget---SI566>

12. Consider the request to receive bids and award contract for Street Light & Traffic Signal Utility Project SV64.

City Engineer, Gabe Schell, requested resolutions to receive bids and award the contract for Street Light and Traffic Signal Utility Project SV 64.

Commissioner Zenker motioned to approve the low bid submitted by Edling Electric in the amount of \$98,450.00. Commissioner Splonskowski seconded the motion. Upon roll call, all voted aye. M/C

<https://bismarcknd.gov/DocumentCenter/View/40480/Bid-Summary---Project-Budget---SV64>

Other Business

Adjourn

There being no further business, the meeting adjourned at 6:02 PM.

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