

MEETING OF THE BOARD OF CITY COMMISSION
May 14, 2019

The Board of City Commission reconvened in regular session on May 14, 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 Marquardt moved to approve the minutes of the April 23, 2019 Regular Commission meeting and the May 3, 2019 Special City Commission meeting. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Commissioner Zenker informed the commission that he wanted to be transparent and let them know that he is employed by the company that was awarded the bid for item L1 and that if the commission would like him to abstain from voting on this item he would do so. The commission did not have any issue with him voting on the item.

2. Commissioner Guy moved to approve the consent agenda. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

A. Voucher numbers: 1086870 - 1087186

B. Personnel actions

C. Administration Department:

1. Gaming Site Authorizations for the following:

- Bismarck Cancer Center
 - Bismarck Bareknuckle Baseball LLC
 - Bismarck Cancer Center
 - Bismarck Elks Lodge
 - Puklich Chevrolet
- Bismarck-Mandan Convention and Visitors Bureau
 - Elbow Room
 - O'Brians
 - Quality Inn
 - Ramkota Hotel
 - Stadium Sports Bar/Lodge
- Bismarck-Mandan Elks Lodge 1199 BPOE
 - Bismarck Event Center
- Light of Christ Catholic Schools
 - St. Mary's Academy
 - St. Mary's Central High School

- North Dakota Association for the Disabled, Inc.
 - Pub 21

- D. City Airport:
 1. Change Order #1 with Northern Improvement Company for Runway 13-31 Phase 4.
 2. Change Order #1 with Strata Corporation for Runway 13-31 phase 3.
 3. Lease modification for Blue Wing Holdings, LLC.

- E. CenCom:
 1. T-Mobile lease agreement.

- F. City Attorney:
 1. Introduction of and Call for a Public Hearing on Ordinance 6379 relating to liquor licenses.

- G. Community Development Department:
 1. Introduction of and Call for a Public Hearing on Ordinance 6380, a request for a zoning change from the A-Agricultural and CG-Commercial zoning districts to the CG Commercial zoning district for Memory Second Addition. The Planning and Zoning Commission recommends approval.
 2. Request of Ronald and Ruth Knutson and the Mandan, Hidatsa, Arikara Nation, also known as The Three Affiliated Tribes, to modify the existing non-access line on the south side of Lots 1 and 2, Block 1, Memory 1st Addition to create two new accesses and remove one shared access to 57th Avenue NE. Staff recommends approval.

- H. Engineering Department:
 1. Contract Amendment 5 with Apex Engineering Group for Storm Sewer Improvement District 563.
 2. Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for SI 528, and the Resolution Awarding Contract for SI 528.
 3. An Encroachment Agreement and Waiver for an entrance canopy at 501 East Main Avenue.
 4. Storm sewer and drainage easements in Section 17, Township 139, Range 80 as part of Storm Sewer Improvement District 563.

- I. Finance Department – Assessing Division:
 1. Application for property tax abatement 2018, Disabled Veteran Credit at 311 Remington Avenue.

- J. Human Resources Department:
 1. Oracle Cloud Service Agreement.

- K. Police Department:
 - 1. Authorization to solicit donations to support the 2019 Annual Bismarck Police Department Chaplaincy Golf Tournament Benefit.
 - 2. Authorization to apply for a grant from the Humane Society of the United States.

- L. Public Works Service Operations Department:
 - 1. Bid award for City/County Building sanitation modifications.
 - 2. Amendment 1 to Task Order 18-02 with Houston Engineering for Solid Waste Engineering Services.
 - 3. Bid award for self-propelled brooms.
 - 4. Authorization to purchase asphalt sealants at a public marketplace for the 2019 paving season.
 - 5. Authorize the donation of clay material from the City landfill to Burleigh County for flood protection and road grade raises for the Fox Island area.

- M. Public Works Utility Operations Department:
 - 1. Task 4 of the HDR Engineering Services Contract for the Wastewater Treatment Plant projects.
 - 2. Sole source purchase of the FCS software, installation, and travel expense as allowed by Ordinance 7-01-04.

3. REGULAR AGENDA

4. Proclamation declaring the month of May 12-18, 2019 as Law Enforcement Memorial Week in the City of Bismarck.

5. Public comment (restricted to items on the Regular Agenda, excluding public hearing items). Kate Herzog addressed the commission in favor of item 9; Mike Bozart, and Robert Aberle addressed the commission against item 10 and questioned why it was back on the agenda as it was acted upon at the April 23, 2019 commission meeting. Matt Geiger addressed the commission as one of the developer of Clear Sky Addition to provide additional regarding some of the previous concerns.

6. The Commission considered the request from the University of Mary to exercise its option to purchase real property located at Tract 500 of Block 13, and 15, Original Plat, Bismarck, ND. The Bismarck-Burleigh Public Health Department is located at this location, 500 E. Front Avenue.

Commissioner Guy moved to direct staff to move forward with the sale agreement, a lease back agreement and to have staff revisit the space study for an alternate space for the Bismarck-Burleigh Public Health Department. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C

7. Commission Portfolio Report - Commissioner Zenker.

8. The Commission considered the request from the Bismarck Event Center to receive a presentation and to provide support for the Capital City Christmas project. Mayor Bakken informed the commission that he wanted to be transparent as his wife is part of this committee. Eileen Walsh, and Amanda Bakkedahl provided a presentation.

Commissioner Zenker moved to approve the in kind rent for the event up to \$5,000, and to direct Event Center staff to work with the committee on securing donations for the auctions, which will take place at both events. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C

9. The Commission considered the request from the Engineering Department to award the contract for the Main Avenue 3-Lane Conversion Project – HC 115 to Strata Corporation.

Commissioner Oban moved to award the contract to Strata Corporation in the amount of \$1,655,293.40 and to approve the use of Capital Improvement Project Rural Road upgrades sales tax for the remainder of the City financial obligation. Commissioner Guy seconded the motion. Upon a roll call vote, Commissioner Marquardt, Zenker, Guy and Oban voted aye, Mayor Bakken nay. M/C

10. Commissioner Marquardt moved to renew the motion to approve the annexation, zoning change from the A-Agricultural zoning district to the R5-Residential and P-Public zoning district, the final plat of Clear Sky Addition and the Park Development Agreement. Commissioner Zenker seconded the motion. Upon a roll call vote, Marquardt, Zenker, Oban and Bakken voted aye, Commissioner Guy nay. M/C

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

12. The Commission considered the request from the City Attorney to hold a discussion on e-mail retention.

Other Business – Commissioner Zenker discussed the previous water rates that were approved and that the commission needs to be more diligent with the information they receive and is hoping for an update in the future. Commissioner Marquardt confirmed that there will be an update at a future commission meeting.

MN05142019

Having completed the items on the agenda, President Bakken asked if there was any other business. The meeting was declared adjourned at 6:52 p.m.